

**BUILDING A MORE CIVIL AND COLLABORATIVE
CULTURE IN CONGRESS**

HEARING
BEFORE THE
**SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS**
OF THE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

JUNE 17, 2021

Serial No. 117-07

Printed for the use of the Select Committee on the Modernization of Congress



Available via <http://govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

48-593

SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS

DEREK KILMER, Washington, *Chair*

ZOE LOFGREN, California
EMANUEL CLEAVER, Missouri
ED PERLMUTTER, Colorado
DEAN PHILLIPS, Minnesota
NIKEMA WILLIAMS, Georgia

WILLIAM TIMMONS, South Carolina,
Vice Chair
BOB LATTA, Ohio
RODNEY DAVIS, Illinois
DAVE JOYCE, Ohio
GUY RESCHENTHALER, Pennsylvania
BETH VAN DUYNE, Texas

COMMITTEE STAFF

YURI BECKELMAN, *Staff Director*
DEREK HARLEY, *Republican Staff Director*

CONTENTS

Opening Statements

	Page
Chairman Derek Kilmer	
Oral Statement	1
Vice Chairman William Timmons	
Oral Statement	3

Witnesses

Mr. Yuval Levin, Director of Social, Cultural, and Constitutional Studies, American Enterprise Institute	
Oral Statement	4
Written Statement	7
Ms. Molly Reynolds, Senior Fellow, Governance Studies, Brookings	
Oral Statement	17
Written Statement	20
Discussion	25

BUILDING A MORE CIVIL AND COLLABORATIVE CULTURE IN CONGRESS

THURSDAY, JUNE 17, 2021

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS,
Washington, DC.

The committee met, pursuant to call, at 9:05 a.m., in Room 2167, Rayburn House Office Building, Hon. Derek Kilmer [chairman of the committee] presiding.

Present: Representatives Kilmer, Perlmutter, Phillips, Williams of Georgia, Timmons, Van Duyne, and Joyce.

The CHAIRMAN. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for 5 minutes for an opening statement.

So the view from the chair's seat looks a little different today, and that is by design. Committee hearings should elicit thoughtful and productive discussion about the issues of the day, and yet most hearings are structured to do just the opposite. Members sit in rows divided by party with the senior Members literally sitting above their junior colleagues. We look at each other in profile, or, even worse, we are staring at the back of each other's heads, which I have two concerns about. One, it is not the best way to have dialogue. And, two, I am thinning in the back.

And I know you smell what I am cooking.

Witnesses who are there to share their expertise are often seated below us or even though they know more than we do on many of these issues, and a lot of interesting exchanges get cut short because the 5-minute rule, and there is no real flow to the discussion because Members are running back and forth between multiple hearings. Then they jump from one topic to another and then back again.

So, instead of generating interesting debate and good ideas, hearings too often promote political posturing and sound bites for social media. That is definitely not what the Framers intended. Woodrow Wilson once famously noted that "Congress in session is Congress on public exhibition whilst Congress in its committee rooms is Congress at work." Unfortunately, this hasn't been the case for quite some time.

So the Select Committee is trying something different today. Earlier this year we adopted committee rules to give us the flexibility to experiment with how we structure our hearings, and our goal is to encourage thoughtful discussion and a civil exchange of ideas

(1)

and opinions. Committee members agreed that the ability to look right at each other when speaking and when listening matters. So does the ability to extend a meaningful exchange with a witness or a colleague. These two simple guideposts provided the framework for our hearing today. And given the topic of today's hearing, "Building a More Civil and Collaborative Congressional Culture," this approach makes good sense.

So, in accordance with clause 2(j) of House rule XI, we will allow 1 hour of extended questioning per witness, and, without objection, these 2 hours will not be strictly segregated between witnesses, which will allow up to 2 hours of back-and-forth exchanges between members and witnesses.

Vice Chair Timmons and I will manage the time to ensure that every member has equal opportunity to participate. Any member who wishes to speak should signal their request to me or Vice Chair Timmons. You can just wave or gesture or——

Mr. PERLMUTTER. Gesture.

The CHAIRMAN. Bird noise.

Additionally, members who wish to claim their individual 5 minutes to question each witness pursuant to clause 2(j) of rule XI will be permitted to do so following the 2 hours of extended questioning. Okay. That is the formal stuff.

This committee's mission is to make Congress work better for the American people, and one way we do that is to practice what we preach. It is one thing to call for a more civil and collaborative process, but it is another to actually do it. In trying out new approaches, this committee is modeling what is possible. We understand that what we are doing today may be difficult to pull off in some House committees, but subcommittees can provide a good venue for experimentation. Simple agreement between a chair and a ranking member can open the door to new approaches that inspire genuine participation in the legislative process.

Modernization doesn't happen without experimentation. Institutions evolve through a process of trial and error. And if we don't try new things, we risk stagnation. We owe the American people a strong legislative branch that is capable of continuing upholding its Article I responsibilities. We also owe the American people a Congress that is capable of engaging in constructive conflict. The goal in airing conflict shouldn't be simply to highlight difference. The goal should be to establish clear positions of meaningful discussions, test different compromises, and ultimately find a way forward.

I am consistently struck that Congress as an institution has some unique cultural challenges. It is the first organization in which I have worked where there is not a widely embraced mission or a set of goals. Indeed, Congress often feels like 435 independent contractors, all loosely affiliated with one of two general contractors, that appear to be in a high-stakes competition for market share.

The incentives, as one of our witnesses today points out in his book, which I read on my airplane flight, are often not to build or fix the institution but rather to bash it. Much of what vexes the institution is not failures and rules and procedures but the breakdown of norms or, for lack of a better phrase, corporate culture.

And, finally, there is a recognition that polarization in Congress is often reflective of disagreement we see in American society.

So, today, we are joined by two experts who are going to help us understand the various factors and trends over the past several decades that have contributed to the high levels of polarization we see in both society and Congress today. They will also get us thinking about how Members perceive their roles within Congress and strategies we might consider for normalizing civil and collaborative behavior. I am looking forward to their testimony and conversation.

And I would like now to invite Vice Chair Timmons to share some opening remarks as well.

Mr. TIMMONS. Thank you, Mr. Chairman.

And I want to thank both of our witnesses for taking the time to come today. We really do appreciate it, and we look forward to this conversation.

I think that this is possibly the most important work this committee will do. We are doing a lot of important work. But making Congress more civil, more collaborative is probably what I believe to be the most important thing that we can do because there is no collaboration. There is no civility. It is remarkable that this is where we are, but it is a symptom of where we are as a country, and we got to work on the country, but we really got to lead in Congress.

So I spent a lot of time in the first—in the 116th Congress on the calendar and the schedule because I think that spending more time together, not—I call it pinballing all over the Capitol complex—and building relationships is the beginning of the conversation because we are not having policy-based discussions. We are using talking points. You never have to defend your ideas in front of your colleagues, and you are on Twitter, spouting off mean things, and that gets clicks, and then you go on television and say even meaner things. And guess what? We are not going to fix immigration that way. We are not going to fix our debt. We are not going to fix healthcare. We have to have policy-based conversations from a place of mutual respect and hear people's ideas and find common ground to move forward, and that is what we need. That is what the American people deserve.

So I think that, without fixing the process, giving people opportunities to get to know one another and spend time together, we are never going to be able to have these conversations. And so I just really appreciate you-all taking the time, and I am looking forward to it.

I do want to point out that this week is possibly the best example of what is wrong with this place. We had votes at 6:30 on Monday. We are leaving in 2 or 3 hours. Today is Thursday. So we didn't do anything on Monday or today except for this hearing, which is wonderful, and we had 2 days of which, you know, three members of this committee serve on four committees, and I don't know their committee schedule but I can promise you that they were double-booked multiple times. We had floor votes yesterday for, oh, my goodness, seven 20-minute votes. It was probably one of the most inefficient experiences I have had up here, which says a lot.

So just finding opportunities to make this place better 10 minutes at a time, you know, a day at a time, that is how we are going

to begin this process of building relationships to have policy-based conversations. So I look forward to this dialogue, and I really appreciate the different in this format because I think it will facilitate a better discussion.

So, with that, Mr. Chairman, thank you.

And I yield back.

The CHAIRMAN. Thank you.

I am going to invite each witness to give 5 minutes of oral testimony. And following testimony, and, without objection, I am going to grant the witnesses an additional 5 minutes to respond to or follow up on points of interest in each other's testimony. Witnesses are reminded that your written statements will be made part of the record.

And our first witness today is Yuval Levin. Dr. Levin is the director of Social, Cultural and Constitutional Studies at the American Enterprise Institute and also holds the Beth and Ravenel Curry Chair in Public Policy. He is the founding and current editor of National Affairs, as well as the senior editor of The New Atlantis and a contributing editor to the National Review. Dr. Levin served as a member of the White House domestic policy staff under President George W. Bush. He was also executive director of the President's Council on Bioethics and a congressional staffer at the Member, committee, and leadership levels. He is the author of several books on political theory and public policy, most recently, "A Time to Build: From Family and Community to Congress and the Campus, How a Recommitting to Our Institutions Can Revive the American Dream."

Dr. Levin, you are now recognized.

STATEMENTS OF YUVAL LEVIN, DIRECTOR OF SOCIAL, CULTURAL, AND CONSTITUTIONAL STUDIES, AMERICAN ENTERPRISE INSTITUTE; AND MOLLY REYNOLDS, SENIOR FELLOW, GOVERNANCE STUDIES, BROOKINGS INSTITUTION.

STATEMENT OF YUVAL LEVIN

Mr. LEVIN. Chair Kilmer, Vice Chair Timmons, thank you very much. Members of the committee, thank you for the opportunity to testify today. It is an honor to be able to contribute something to the enormously important work that you are doing and to think with you a little bit about how to improve the culture of the Congress.

In my written remarks, I offer some reflections on the sources of today's cultural distempers and on how what is happening in this institution is related to some broader trends in our society. I am happy to discuss that, of course, in our conversation. In these brief opening remarks I thought that I would draw just one part of that testimony which focuses on a few key principles for reform, some crucial points to remember, maybe pitfalls to avoid as you consider ways of improving the culture of the institution.

I would start by saying that it is important to remember that prescription is not diagnosis in reverse when we think about how to fix institutions. There are reasons why Congress is the way it is, good and bad. But those reasons don't offer us a map for improving things. You can't go backwards and try to play that movie in

reverse and think you will solve problems. So that understanding how we got here can help us to understand some of the constraints that reformers face in trying to fix things but doesn't offer us a map of where to go next.

Secondly, I would really urge you to avoid the lure of selective nostalgia when thinking about Congress. The problems with the contemporary Congress is not that it isn't like it used to be. It is that in some ways it isn't what it needs to be today, and it is important to think about the difference between those. It is easy to approach the kind of work that you are doing in this committee by trying to think back to some golden age when Congress supposedly worked and everybody supposedly got along. I would just say it is very unlikely that whatever golden age you have in mind was actually as golden as you might remember or as people might say, and it is important to see that change has to happen going forward and not going backward.

Your committee very wisely describes itself as devoted to modernization of Congress. Modernization involves adapting to changing circumstances. And that is the right attitude to maintain, even if there are lessons we can learn from the past.

Third, I would really urge you to focus on incentives when thinking about the culture. Members of this institution behave the way you do for reasons, for serious reasons. You are all intelligent men and women, ambitious men and women, and you are trying to succeed and to achieve something for your constituents and for your country. And so, when culture breaks down, there are reasons that have to do with incentives with the kinds of pressures you face. And if we want to think about how to change the culture, it is important to think about how to change incentives.

Some of the strongest incentives that Members face are obviously electoral incentives, which aren't so easy for Congress itself to change, but there are also incentives created by the nature of legislative work itself, by the nature of the schedule, the nature of the structure of the institution, which can be very powerful, which shape behavior as much as they shape work, and it is important to think about change in terms of altering incentives.

Fourth and related to that, I would say that reforming the culture of Congress requires reforming the work of Congress. It is worth thinking about things like how to encourage Members to spend more time together, how to encourage Members to take retreats together or have dinner together. That matters, but I would say that ultimately what matters more is the work of the institution. The cultural change of the work encourages a different kind of culture, and just spending time together is not really a way to get at the core of the culture of the institution. You have to think about how Congress works and, therefore, how its Members work.

And, fifth and finally, I would urge you to think explicitly about how you understand the purpose of the Congress. Reforms of the institution including reforms focused on improving its culture have to take for granted some idea of the purpose of Congress' work, but there is a rather deep disagreement about that purpose that I think is implicit now in a lot of the thinking that surrounds congressional reform and that sometimes leaves some of the that work incoherent. Simply put, I would say reformers have to ask your-

selves whether the purpose of the Congress is maybe like the purpose of the European Parliament, to enable the majority party to achieve its objectives while it is in office until the public throws it out, or whether the purpose of the Congress is to enable or even compel accommodation across lines of difference in American society, to bring people together across differences. Those goals are not mutually exclusive, obviously, but particularly in an era of closely divided parties, they can really point in different directions.

That latter purpose, enabling accommodation, bargaining, compromise, dealmaking is plainly, I think, implicit in the constitutional design of the legislative branch. The U.S. Congress really isn't like a European Parliament. It is intended to work across lines of difference, and I think the distinction between the two is especially important when thinking about the culture of the institution. A culture of implacable partisan polarization is not necessarily an obstacle to the functioning of a purely majoritarian legislature like a European Parliament, but it is absolutely an obstacle to the cause of a more accommodationist, compromise-driven model of legislative work.

In essence, I think reformers need to decide if the goal of reform is to make cross-partisan engagement less necessary or more likely. That you are concerned about that kind of question and that you are concerned about the culture of the institution suggests to me that you are—that you take that kind of cross-partisan engagement to be an essential goal of congressional reform, and that is certainly my own view, too. I think we have to wrestle with that question of what ultimately is the purpose of the institution. How do we expect it to solve problems before we can get to particular reforms?

My written testimony does suggest a few categories of particular reforms that could be especially useful, I think, in moving the culture of Congress in a particular direction, and I am happy to get into those but I thought that starting with these general principles might be a way into a broader conversation. And in any case, I now stand in your way of hearing from Molly Reynolds, who is truly one of the great Congress experts and knowledgeable in a way that I couldn't hope to be. So I am going to get out of her way and let her inform you.

Thank you very much.

[The statement of Mr. Levin follows:]



Statement before the House Select Committee on the Modernization of Congress

Building a More Civil and Collaborative Culture in Congress:

Some Diagnostic and Prescriptive Reflections

Yuval Levin

Director of Social, Cultural, and Constitutional Studies
American Enterprise Institute

June 17, 2021

The American Enterprise Institute (AEI) is a nonpartisan, nonprofit, 501(c)(3) educational organization and does not take institutional positions on any issues. The views expressed in this testimony are those of the author.

Chair Kilmer, Vice-Chair Timmons, and members of the committee, thank you for the opportunity to testify today. It is an honor to contribute to your enormously important work, and to think with you about how to improve the culture of the Congress.

I am compelled to begin with an almost embarrassing admission: I love the U.S. Congress. As a political scientist and a scholar of American society, I love what the Congress is intended to be—the democratic engine of republican self-government, by which the people’s will is channeled and refined into legislative measures through the medium of structured bargaining and accommodation. As a former House staffer (at the member, committee, and leadership levels), I even love what the Congress actually is—a representative assembly that often reflects the best and worst of who we are in the form of members and staff struggling to understand the public’s priorities and whims, grapple with the country’s challenges, speak for places and people they adore, make their names, best the other party, and win the next election. This is an institution full of patriots of different flavors who are working for the good of our society, even when they think they are being cynical politicians. So when the Congress is maligned, I am inclined to get a little defensive on its behalf.

And yet, it is impossible to deny that the Congress is beset by serious dysfunctions now. It doesn’t lack for intensity and energy. But too little of that energy is directed through traditional legislative channels, so that the ambition and vigor of the institution are more frequently expressed through performative conflict than through authorization, appropriation, or oversight. And because performative conflict is inherently divisive, while legislative work is inherently accommodational, the culture of the Congress now often feels broken and deformed.

This leads reformers of the institution to focus on its culture, as you are doing today. It is essential to do so, but also to see that congress’s culture is shaped by broader trends in our politics and our society and to see that institutional culture cannot be fully separated from the institution’s structure and work.

In what follows, in response to your request for testimony, I suggest a few ways to think about the sources of congress’s contemporary challenges, some general principles for reform, and a few specific steps that might be taken to improve and strengthen the culture of the legislative branch.

* * *

The drift of congress’s culture in the direction of performative conflict is obviously a function in large part of the growing polarization of our broader political culture. The story of that polarization and its causes is well beyond the scope of this hearing. But some of the particular manifestations of that broader story in the institution are worth a brief discussion. I would like to point to three of these that may not be obvious—one that reaches across the range of American institutions and two that have been evident in Congress in particular.

First, our era of growing polarization has been a period of declining public trust in institutions. Over the past half century, the American public has gone from extraordinary levels of confidence in our major institutions to striking levels of mistrust. This has been the case in the private as

well as the public realm, and with regard to political as well as cultural, economic, educational, and professional institutions. Congress is of course a prime example, with public trust of Congress and its members now hovering in the low double digits.¹

But what do we actually mean when we say we don't trust institutions? Part of the answer has to do with competence and effectiveness, of course. It's hard to trust an institution that fails to do its basic job. But another key part of the answer has to do with what institutions really are and do. Institutions are the durable forms of our common life. Every significant institution carries out some important task in society—say, educating children, enforcing the law, serving the poor, providing some service, making some product, meeting some need. And it does that by establishing a structure and process—a form—for combining people's efforts toward accomplishing that task.

In the process, that institution also forms those people to carry out that task effectively, responsibly, and reliably. It shapes the people within it to be trustworthy. Roughly speaking, this is what it means to trust an institution: We trust an institution when it seems to have an ethic that makes the people within it more trustworthy.²

So we trust political institutions when they take seriously some obligation to the public interest and they form the people in them to do the same. We trust the military because it values courage, honor, and duty in carrying out the defense of the nation, and shapes people who do too. We trust a business because it promises quality and integrity in meeting a need we have, and rewards its people when they deliver those. We trust a journalistic institution because it has high standards of honesty and accuracy in reporting the news that make the work of its people reliable. We “lose faith” in an institution when we no longer believe that it plays this ethical or formative role, shaping the people within it to be trustworthy.

One way this might happen is when institutions claim to enforce an ethic of responsibility but plainly fail to do it and instead end up shielding and empowering bad behavior—like when a bank cheats its customers, or a member of the clergy abuses a child. That kind of gross abuse of power obviously undermines public trust in institutions. It's a familiar form of corruption. But it isn't new. There are plenty of examples of it in our time, but there are lots of examples in any time. So it doesn't quite explain the distinctive loss of confidence in institutions in our day.

Another related but different way in which an institution can lose our trust, though, is when it simply fails to impose an ethic on the people within it altogether, and doesn't even seem to see that kind of formation as its purpose. When the people in that institution no longer see it as a mold of their character and behavior but just as a platform for themselves to perform on and to raise their profiles and be seen. An institution like that seems not to be worthy of our trust not because it has failed to earn it but because it appears not to seek or to desire it at all. And something like that is what has been happening to a great many of our institutions in recent

¹ A useful source of data on this front is Gallup's work on public trust in institutions, which extends back several decades in most cases, and is available at <https://news.gallup.com/poll/1597/confidence-institutions.aspx>.

² This discussion is an abbreviated form of a case made in my recent book *A Time to Build: From Family and Community to Congress and the Campus, How Recommitting to Our Institutions Can Revive the American Dream* (Basic Books, 2020).

decades in particular.

When we don't think of our institutions as formative but as performative, they become harder to trust. They aren't really asking for our trust, just for our attention. And in our time, many of our most significant social, political, cultural, and intellectual institutions are in the process of going through this transformation from mold to platform.

Examples of this transformation are everywhere around us now. And in many cases our institutions are being made into platforms not just for any performance but for performative virtue and performative outrage in our vast, polarized culture war. In one institution after another we find people who ought to think of themselves as insiders shaped by the distinct purpose and integrity of the institution instead functioning as outsiders, displaying themselves and building their own personal brand.

We can see that pattern throughout American life. And no one could deny that a version of it is also evident in Congress. Some members now seem to run for office less to be involved in legislative work and more to have a prominent platform in the culture war—to become more visible on cable news or on talk radio, to build a social media following, and to use their elected office as a platform to complain about the very institution they worked so hard to enter. They conceive of themselves, or at least present themselves, as outsiders speaking *to* the institution rather than as insiders working *through* the institution. And as a result, they incline to approach their colleagues (particularly those of the opposite party) as props in a dramatic morality tale rather than as fellow legislators with whom to negotiate, bargain, and cooperate.

This transformation of our expectation of institutions runs very deep and very broad in contemporary American life. It did not begin in Congress and does not end there. But it is crucial to understand it as one important force transforming the culture of the Congress for the worse, and to see that any effort to improve that culture must work to better instill in members a sense of themselves as insiders acting in the world through Congress—endowed by their office not just with a more prominent cultural platform but with the distinct powers and responsibilities (indeed, the distinct character) of legislators.

Second, even as we understand the ways in which the deformation of the culture of the Congress has been one facet of a much broader evolution of American life, we should also have our eye on some trends distinct to our politics in particular. We should, for instance, note some of the less obvious ways in which polarization has changed the character of the two major party coalitions in Congress, and how that has changed the culture of the institution.

Growing political polarization in our two-party system involves not only an increasingly stark separation between the parties but also an increasingly intense consolidation of each party's coalition, so that as inter-party differences are sharpened intra-party differences are diminished, or at least downplayed. In Congress, this has meant that a more polarized era has been a more centralized era, with more power flowing to party leaders in each house.

That centralization began for reasons that precede the intense polarization of our time. In the 1970s, for instance, younger and more left-leaning Democratic back-benchers found their policy

ambitions frustrated by older, more right-leaning Democratic committee chairmen. In an effort to overcome the power of these entrenched chairmen, younger Democrats worked to channel more authority to the Speaker and Majority Leader, and to sidestep the committee system to advance key legislation. In the 1990s, upon taking the House majority for the first time in decades, many Republican members viewed the committee system as an obstacle to their desired transformation of the institution and empowered the Speaker who had brought them to power to advance his agenda directly.

But in our time, the pressure to sustain and intensify the centralization of power has had everything to do with the desire to minimize intra-party tensions and dissent in a polarized Congress. Power has flowed to party leaders to enable them to hold together each party's coalition and minimize factionalization of the sort that had characterized both parties in Congress for most of our history. Leaders are entrusted to advance the party's agenda (which is now itself now often defined either as support for or opposition to the president's agenda, depending on the president's party) and to protect members from uncomfortable votes that might expose party rifts. Intra-party factions are seen as signs of weakness and sources of danger, so that party leaders work to minimize their significance. The absence of meaningful intra-party factions in turn makes cross-party coalitions more difficult to achieve and sustain, and the cycle feeds on itself.³

And yet, especially in a period of narrow and frequently alternating party control of Congress, cross-party coalitions are necessary for the institution to do its work. The increasing absence, or weakness, of meaningful factions has therefore made it more difficult for Congress to function.

Many members, and especially those of the party in power at any given time, have responded to that by expressing frustration at the necessity of cross-party coalition-building in Congress (as in contemporary opposition to the filibuster, or frustration with the pace of negotiation on key issues) rather than by working to make such coalitions easier to form and more likely to emerge. That frustration, in turn, plays a crucial role in shaping the culture of the Congress. Many members, and especially those without much experience of a more factional and coalitional form of legislating, have come to understand the Congress as another arena in the broad, bitter, and intensely polarized culture war that now dominates our politics—an arena occupied by two parties that cannot be expected to work together, and so are instead expected to each define itself in permanent and implacable opposition to the other.

Since that opposition cannot easily be expressed in terms of enacted legislative measures, members revert to expressing it in terms of performative outrage intended for an outside audience of committed partisans. This reinforces the inclination to a more performative understanding of the institution, as discussed above. But it is a problem that deserves to be understood in its own terms, and as a distinct function of the logic of polarization in Congress.

Reformers looking for ways to change the culture of the institution will need to decide what to make of the fact that the design of the Congress requires significant cross-partisan bargaining but that today's political environment makes such bargaining very difficult to accomplish. In

³ For a valuable analysis of the role of party factions in the historical development of Congress, see Daniel DiSalvo, *Engines of Change: Party Factions in American Politics, 1868-2010* (Oxford, 2012).

essence, reformers will need to choose between proposals that make such bargaining less necessary and proposals that make it more likely—and the choice they make will say a lot about their understanding of the underlying purpose of the institution.

Third, while a great deal of what has gone wrong in the culture of the Congress is a function of broader outside forces, some has also had to do with particular practical choices that members have made about how to run the institution.

One important example involves the loss of protected spaces for deliberation in Congress in the name of transparency. Every institution needs an inner life—a sanctum where its work is really done. This is especially true in a legislature, where members must deliberate and bargain to reach practical compromises. There is no such thing as bargaining in public.⁴

The American constitutional system owes its origins to its framers' understanding of that fact. The Constitution was conceived by a convention held behind closed doors. "Had the deliberations been open," Alexander Hamilton argued in 1792, "the clamours of faction would have prevented any satisfactory result."⁵ The point was not to keep out the public's interests and views—the members present still spoke up for their states. The point was to provide a protected arena to work out deals. By retreating to a private space to deliberate, the convention's members were able to try out ideas, let proposals be floated, and avoid embarrassing one another in public. Decades later, James Madison told the historian Jared Sparks that he thought "no Constitution would ever have been adopted by the Convention if the debates had been public."⁶

But Congress has progressively lost its inner life, as all of its deliberative spaces have become performative spaces, everything has become televised and live-streamed, and there is less and less room and time for talking in private. By now, about the only protected spaces left are the leadership offices around midnight as a government shutdown approaches, so it is hardly surprising that this is where and when a great deal of important legislation gets made.

Administrative agencies offer another cloistered venue for negotiation and bargaining, and so significant legislative power has moved to those agencies, where it can be exercised effectively—but not always legitimately. Conservatives rightly complain that legislative power without legislative forms can easily become tyrannical, but we tend not to notice that a major driver of this shift in recent decades has been Congress itself, which has altered its own forms and functions in ways that have undermined its ability to act legislatively.

All of this has happened in pursuit of transparency. And transparency is a good thing, up to a point. Without it, institutions that serve a public purpose can easily become debased and unaccountable. But every good thing is a matter of degree, and political reformers have treated transparency as a benefit with no costs, when in fact it can have enormous costs that have to be

⁴ For a further discussion of this point see Yuval Levin, "Transparency is Killing Congress," *The Atlantic*, February 9, 2020, available at <https://www.theatlantic.com/ideas/archive/2020/02/lights-camera-congress/606199/>.

⁵ Hamilton made this remark in a letter to the *National Gazette* on September 11, 1792. (The letter was submitted under the pseudonym "Amicus" but has been authoritatively attributed to Hamilton.)

⁶ Sparks recorded the remark in a journal entry describing a visit with Madison on April 19, 1830. See H.B. Adams, *Life and Writings of Jared Sparks*, II, p. 31.

accounted for. In this case, the price can be measured in a loss of bargaining spaces, and the result of ignoring it is a Congress that increasingly has the appearance of a show.

The dangers of the (now mostly metaphorical) smoke-filled room, where power is exercised out of sight and without accountability, are real and serious. And C-SPAN has been in most respects a godsend. But when an institution becomes too thoroughly transparent, it becomes indistinguishable from the open public space around it, and so it is simply another arena for public speech rather than a structure for meaningful action.

The committee system is where televised transparency has done real damage. The floors of the House and Senate have never really been great venues for deliberation. But committee work needs to involve real negotiation and bargaining. It is where the legislature's hardest work is done. And the relative absence of such work now owes something to the transformation of the environment in which committees operate. Reforms of the culture of Congress would have to take this problem seriously.

* * *

Needless to say, these three examples only skim the surface of the kinds of forces that have shaped the evolution of the culture of the Congress in recent decades. But they offer a sense of the sorts of changes that an effort to diagnose the condition of that culture would need to account for. And they have something in common: In different ways they all describe a move away from a culture of deal-making and accommodation toward a culture of grandstanding and performative outrage. Obviously deals do still get made in Congress, and obviously there has always been some grandstanding among legislators. But the balance has shifted dramatically, and when we talk about needed cultural changes in the institution, we often have in mind the need to recover the capacity and inclination to resolve contentious public problems by negotiation and compromise.

Seeing that can help us begin to move from diagnosis to prescription. But a few broad principles of action could help to make that transition more effective. I would point to five key principles for reformers to keep in mind.

First, *remember that prescription is not diagnosis in reverse*. Fixing the problems that now bedevil the culture of the Congress does not mean undoing the causes of those problems. It means working from where we are now toward the sort of culture we wish to encourage and foster. This means thinking in terms of what we need to build at least as much as what we need to demolish. The history of how we got here matters because it shapes the constraints within which reformers need to work, but it does not necessarily lay out the path they need to follow.

Second, and relatedly, *avoid the lure of selective nostalgia*. The problem with the contemporary Congress is not that it isn't like it used to be, it's that it isn't what it needs to be today. There is a powerful tendency, particularly among older members and former members, to approach the task of congressional reform through wistful recollections of a bygone era of comradery and common purpose. These days, given the age and experience of older members of both houses, such recollections often involve the middle and late 1990s. This is preposterous. I was a junior House

Budget Committee staffer and later a junior House leadership staffer in that era, and can report with confidence that it was not a golden age of cooperation and comity. There have certainly been times when the culture of the Congress was more cooperative and constructive, but each of those moments had its own profound problems. The institution will always reflect the character of the broader political culture, for good and bad. It is helpful to know that the Congress can be the scene of cooperation and bargaining, but it is essential to remember that this can only really be achieved by forward-looking reform. Your committee wisely describes itself as devoted to the modernization of the Congress. Modernization involves adapting to changing circumstances. This is the right attitude to sustain.

Third, *focus on incentives*. Members of Congress are not scoundrels or fools. They are intelligent, ambitious men and women, and they behave as they do because they confront strong reasons for doing so. If you want to change the culture of the institution, and therefore to change how its members behave, you will need to find ways of changing the incentives that now encourage counterproductive behavior. The American constitutional system is built upon a keen awareness of the relationship between institutional design and incentives for behavior. Improving the culture of the Congress will require thinking about that relationship, and proposing reforms to the structure of the Congress and its work that might create not only opportunities but strong reasons for members to behave more constructively. The strongest incentives members face are electoral incentives, and those are not easy for Congress to change. But incentives created by the nature of legislative work itself can also be quite powerful, and those are within your power to reform.

Fourth, and closely related, *reforming the culture requires reforming the work of the Congress*. Reformers are sometimes tempted to take on the culture of Congress directly—by encouraging members to just spend more time together, have meals together or go on retreats, and otherwise get to know each other. This is nice, but it won't be sufficient. You should be guided by the sociological principle that “people don't come together to be together; people come together to do something together.”⁷ If the goal is a congressional culture that enables members to work more cooperatively, the means to getting there will need to involve reforms of the sorts of work involved in being a member of Congress—that is, reforms of the budget process, the committee system, the schedule, the power of leadership, control of the floor and the like. Substantive reforms and reforms aimed at a healthier institutional culture are one and the same.

Fifth and finally, *articulate an explicit understanding of the purpose of the Congress*. Reforms of the institution, including those focused on improving its culture, must take for granted some idea of the purpose of Congress's work. But a deep disagreement about that purpose is now implicit in a lot of the thinking surrounding congressional reform, and this sometimes renders that thinking incoherent. Simply put, reformers must ask themselves whether the purpose of the Congress is (like the purpose of many European parliaments) to enable the majority party to achieve its objectives until the public throws it out, or whether its purpose is to compel accommodation among differing factions in American society so as to more durably address disputes about the direction of the country through bargaining and compromise. These goals are not mutually exclusive, but particularly in an era of closely divided parties they can point in

⁷ This particularly concise formulation comes from José Ortega y Gasset, *The Revolt of the Masses* (New York: W. W. Norton, 2014), Chapter 14.

different directions. The latter purpose is plainly implicit in the constitutional design of the legislative branch. The U.S. Congress is not a European-style parliament meant to empower an assertive if temporary national majority. It is instead designed to achieve the much more challenging objective of balancing the need to represent majority views and interests with the imperative to protect minority views and interests, and it seeks to do that by requiring a great deal of buy-in and accommodation along the path to enacting legislation.

This distinction is especially important when considering the culture of the institution. A culture of implacable partisan polarization is not necessarily an obstacle to the functioning of a purely majoritarian legislature. But it is deadly to the cause of a more accommodationist and compromise-driven model of legislative work. In essence, as suggested above, reformers need to decide if the goal of reform is to make cross-partisan engagement less necessary or more likely.

Here I will put my own cards fully on the table: I do not believe the Congress should be more like a European parliament, but that it should be more like the American national legislature envisioned in the Constitution. The Congress is the only institution in our national politics intended to enable deal-making and bargaining over the direction of our government, and in our immensely diverse and dynamic society it is absolutely essential that such accommodation be at the core of our political life. To improve Congress's ability to do its work and also to improve its culture, it is necessary to reform its operations in ways that will better enable cross-partisan and cross-factional bargaining and accommodation.

* * *

Given all of this, what can such reform look like? Since you have asked me to reflect mostly on the sources and character of the problems with today's congressional culture, I will not take up specific reforms in great detail here. But let me offer a few suggestive categories of reforms that might have particular bearing on the culture of the Congress:

- *Budget Reforms*: The budget process has gradually deformed into a primary source of the cultural breakdown of the Congress. Fundamental budget reform is now essential to enable the power of the purse to create incentives for bargaining and to get members more invested in their core legislative work. It is time to reconsider the structure of the process, reexamine the need for the budget committees and the annual resolution, consider combining the work of authorization and appropriation, and look for ways to break up the increasingly consolidated appropriations process into smaller parts that give members substantive, achievable work to do throughout the legislative year.
- *Committee Empowerment*: To combat the excessive centralization of power which has played a part in poisoning the culture of the Congress, it is worth exploring ways of helping committee work matter more to members, by making it more substantive and significant. Members might, for instance, consider allowing each committee to formally control some modest amount of floor time on a regular basis, as a number of state legislatures do, or otherwise to have a greater share of control over the fate of legislation.
- *Transparency Reform*: To make genuine bargaining and accommodation more likely,

members should consider creating more spaces for substantive committee work that is not televised or live-streamed. Even if formal hearings (let alone floor action) continue to be televised, it should be possible to build out other formats of committee work that can enable members to actually engage with one another and with the substantive policy challenges they confront. Members would still be fully accountable for the work that results, but such work would be improved if it could be developed in a private setting more suited to deliberation.

- *Learning from the States:* Many state legislatures have managed to sustain relatively functional cultures of bipartisan work despite deep divisions. Congress could learn from them, and the process of such learning could itself be helpful to the culture of the institution. Members should be encouraged, through a formal process, to bring to the attention of their colleagues procedures or rules in their state legislatures that Congress might do well to consider adopting.

These are, of course, broad categories of reform more than detailed proposals. But they suggest some ways in which taking the challenge of congress's culture seriously and thinking concretely about how institutional culture can be changed for the better might inform the work of modernization that is this committee's bailiwick.

Ultimately, a healthy institutional culture is a function of a sense of shared commitment and identity. To strengthen Congress's culture, you will need to help members identify themselves more with the institution and its purpose, channel their ambition through it, and understand themselves as belonging to it, rather than standing on it to make themselves more visible.

That your committee has taken on this task is itself a very important and encouraging indication. It is heartening to see the seriousness and the bipartisan spirit with which you are approaching that work. I thank you, and the members and staff of the committee, both for engaging in this work and for giving me this opportunity to contribute to your deliberations.

The CHAIRMAN. Thank you, Dr. Levin.

Our second witness is Molly Reynolds. Dr. Reynolds is a senior fellow in Governance Studies at the Brookings Institution. She studies Congress with an emphasis on how congressional rules and procedures affect domestic policy outcomes. Dr. Reynolds is the author of, "Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate," which explores the creation, use, and consequences of the budget reconciliation process and other procedures that prevent filibusters in the U.S. Senate. Her current research projects include work on oversight in the House of Representatives, congressional reform, and the congressional budget process. She also supervises the maintenance of "Vital Statistics on Congress," Brookings' long-running resource on the first branch of government.

Dr. Reynolds, welcome back to our committee. You are now recognized.

STATEMENT OF MOLLY REYNOLDS

Ms. REYNOLDS. Thank you. Thank you, Chair Kilmer, Vice Chair Timmons, members of the committee, and staff. Again, my name is Molly Reynolds. I am a senior fellow in the Governance Studies program at the Brookings Institution, and I am so appreciative of the opportunity to be back to today testify on how Congress might improve its culture.

With my time this morning, I want to——

Mr. PERLMUTTER. Is your mike on?

Ms. REYNOLDS. Is that better?

Mr. PERLMUTTER. That is better.

Ms. REYNOLDS. Okay. With my time this morning, I want to build on two of the principles that Yuval laid out in his testimony that prescription is not diagnosis in reverse and the necessity of avoiding the lure of selective nostalgia. And I will draw today on my own research and that of other political scientists, and I want to offer some observations on why these principles are so important.

To begin, a review of a few familiar but useful trends in American politics may be helpful. Voters today are better sorted into the two parties along both ideological lines and social identities. Research also suggests this increasing homogeneity has led voters to see partisanship as a stronger component of their social identity, which, in turn, leads them to see themselves as more different from and to dislike Members of the other party.

Second, on the issue of polarization in Congress, while any single approach will have drawbacks, the measure most often used by political scientists indicates that polarization in Congress was relatively low between the 1930s and the 1970s but grew to record levels by the 2000s. The period of increasing polarization since the 1970s has been asymmetric to the extent that it has been more associated with the movement of Republican legislatures to the right than with Democratic Members to the left. To the extent that Democrats have moved in a more liberal direction, it has been driven by demographic change in the Caucus as additional female Representatives and Representatives of color have been elected as Democrats. Indeed, the House has nine times as many women, four

and a half times as many African Americans, nine times as many Latinos and Latinas, and seven and a half times as many Asian Americans today as it did in 1971. To be clear, a more diverse House of Representatives which better reflects the diversity of the country is a good thing for our democracy. But a more diverse Chamber cannot and should not operate under the same institutional culture than its less diverse predecessors did.

The changing demographics are not the only reason why we cannot divorce a conversation about the changing culture of Congress from one about racial politics in the United States. We must also consider the consequences of the realignment of southern White voters from the Democratic Party to the Republican Party. As political scientist Frances Lee, who this panel heard from in the 116th Congress, has argued, one consequence of the long, postwar dominance of the Democratic Party in Congress is that it shaped Members' expectations about the outcome of the next election. Members of the both parties believed that Democrats would hold the majority during this period. Beginning in the 1980s, both parties began to see the majority as winnable. And Members' behavior changed accordingly. When party control is seen to hang in the balance, Members see more value in a style of partisanship that disincentivizes cooperation.

Charting a course for change also requires being honest about elements of previous Congresses that may have encouraged a collaborative culture but to which we cannot return for other good reasons. Here I would point to the example of calls for Members to move their families to Washington. The notion that the culture of Congress has changed for the worse because Members and their families do not socialize with each other is widely held. The shift away from relocating one's family is often attributed to changing expectations in the 1980s and 1990s, whereby Members should avoid being seen to have "gone Washington." Viewing time spent in Washington as something to be avoided is detrimental to the health of the institution, and we should work to change the understanding of it.

But even if this framing is harmful, that does not mean that the push to roll back one of its consequences in calling for more Members to relocate to Washington is automatically the right thing to do. We lack comprehensive data on the occupations of congressional spouses, either historically or today, but it is fair to suspect that many more Members today come from dual-career families, and if we care about continuing to diversify the range of perspectives which lawmakers bring to Washington, we do not want to create systematic barriers to individuals with caregiving responsibilities from serving in Congress.

Finally, I will urge you, especially as you think about improving the norms of interpersonal behavior that facilitates what are distinct from legislative behavior, to consider what a culture of civility is in service of. Civility and good interpersonal behavior more generally can encourage collaboration and other productive methods of doing legislative work.

But calls for civility also have a long history of serving as a means of attempting to suppress marginalized groups. The norms that persist are the ones that Members believe will serve them

well. That can also mean they help preserve the existing status quo. Building new norms requires convincing Members inclusively that they will help them accomplish their goals.

And, with that, I might yield back to Yuval to begin a conversation about proposed reforms that might advance the goal of a more civil and collaborative culture.

[The statement of Ms. Reynolds follows:]

Testimony of Molly E. Reynolds¹
Senior Fellow, Governance Studies, The Brookings Institution
Before the Select Committee on the Modernization of Congress
June 17, 2021

Chair Kilmer, Vice Chair Timmons, members of the committee, and staff: my name is Molly Reynolds and I am a Senior Fellow in the Governance Studies Program at the Brookings Institution. I appreciate the opportunity to testify today on how Congress might improve its culture and, more generally, the chance to contribute to the vital work of this Committee.

I have spent my entire professional career as a student of the United States Congress, and believe deeply in its role as a vigorous, co-equal branch of government that can serve the public good. My thoughts today draw on my own research and that of other political scientists, both those who focus on the Congress and those whose work on the broader American political system helps understand the incentives members of Congress face as you carry out your responsibilities.

I will begin with a word of caution: as you consider approaches to building a more civil and collaborative culture in Congress, you should avoid assuming that there is a “golden era” in which Congress “worked” and whose practices you should strive to emulate. That is not to say that there are not ways to improve Congress’s culture; there are. But they do not involve getting in a time machine and returning to decades past. This was true before the insurrection at the U.S. Capitol on January 6, but that horrific episode emphasizes the degree to which simply winding back the clock is not an option.

To anchor this caution against nostalgia, I will offer a brief overview of a few important trends in American politics which are likely to be familiar but are helpful to review.² First, at the level of the mass public, voters today are better sorted into the two parties along both ideological lines (that is, conservatives identifying as Republicans and liberals as Democrats) and social identities, including race. As a result, both parties now have more homogeneous constituencies. Research also suggests that this increasing homogeneity has led voters see partisanship as a stronger component of their social identity, which, in turn, leads them to see themselves as more different from and to dislike members of the other party.³

Second, on the issue of elite polarization: political scientists generally capture polarization using a measure based on members’ voting records. While any single approach will have drawbacks, this measure indicates that polarization in Congress was relatively low between the 1930s and the 1970s but grew to record levels by the 2000s. The period of increasing polarization since the 1970s has been asymmetric and has been more associated with the movement of Republican legislators to the right than with Democratic members to the left for this entire period. To the extent that Democrats have moved in a more liberal direction, it has been driven by demographic change in the caucus as additional Black, Latino/a, and female representatives have been elected as Democrats. Legislators from these demographic groups

¹The views expressed are my own and do not necessarily reflect those of staff members, officers, or trustees of the Brookings Institution. Brookings does not take institutional positions on any issue.

² While this paragraph and the one that follows it draw heavily on a wide range of political science research, my summary here draws on a more extensive summary provided in Nolan McCarty, *Polarization: What Everyone Needs to Know* (New York: Oxford University Press, 2019).

³ Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity* (Chicago: University of Chicago Press, 2018).

tend to be more liberal, and their increasing representation has shifted the average position of the Democrats to the left.

To see this demographic change in Congress, we can use data from *Vital Statistics on Congress*, a long-running resource for data on the House and Senate which I now supervise at Brookings and which has documented the demographics of the House over time.⁴ In the 92nd Congress, which began in 1971, there were 13 women, 13 African-Americans, 5 Latino/as, and 2 Asian-Americans in the House of Representatives. When the 117th Congress convened in January 2021, there were nine times as many women (118), four and a half times as many African Americans (58), nine times as many Latino/as (44), and seven and a half times many Asian-Americans (15). To be clear: a more diverse House of Representatives which better reflects the diversity of the country is a good thing for our democracy, and we should applaud efforts to make the demographics of the chamber look more like the demographics of the country. But a more diverse chamber cannot, and should not, operate under the same institutional culture that its less diverse predecessors did.

These changing demographics, however, are not the only reason why we cannot divorce a conversation about the changing culture of Congress from one about racial politics in the United States; we also must consider the consequences of the realignment of southern white voters from the Democratic party to the Republican party. While there are a number of scholarly accounts of why this shift happened and what mechanisms drove it,⁵ the electoral consequences for members of Congress were significant. At the presidential level, evidence of the realignment first emerged with the South's support for Barry Goldwater in 1964; the down ballot consequences developed more slowly, culminating in Republicans winning a majority of southern seats in both the House and Senate for the first time in the 1994 elections.⁶

As political scientist Frances Lee has argued,⁷ one consequence of the long, post-war dominance of the Democratic party in Congress—facilitated by the alliance between northern liberal and southern conservative Democrats—is that it shaped members' expectations about the outcome of the next election; members of both parties believed that Democrats would hold the majority during this period. Beginning in 1980, however, both parties began to see the majority as winnable in the next election, and members' behavior changed accordingly. When party control is seen to hang in the balance, members see more value in a "confrontational style of partisanship" that disincentivizes cooperation and giving members of the other party victories on which they can run in the next election; messaging prevails over legislating.

Charting a course for change also requires being honest about elements of previous Congresses that may have encouraged a collaborative culture and that were changed reasons detrimental to the health of the institution, but to which we cannot return for other, good reasons. Illustrative of this dynamic are calls for members to move their families to Washington. The notion that the culture of Congress has changed for the worse because, for example, members and their families do not socialize with other members and their families is widely held.⁸ The shift away from relocating one's family is often attributed to changing

⁴ Brookings Institution, *Vital Statistics on Congress* <<https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>>, Tables 1-16, 1-17, 1-18, and 1-19.

⁵ See, for example, Edward Carmines and James Stimson, *Issue Evolution: Race and the Transformation of American Politics* (Princeton, NJ: Princeton University Press, 1989) and Eric Schickler, *Racial Realignment: The Transformation of American Liberalism* (Princeton, NJ: Princeton University Press, 2016).

⁶ For the share of southern House and Senate seats held by Democrats over time, see *Vital Statistics on Congress*, Tables 1-2 and 1-4.

⁷ Frances E. Lee, *Insecure Majorities: Congress and the Perpetual Campaign* (Chicago: University of Chicago Press, 2016).

⁸ Paul Hanges, Frances Lee, Kristina Miler, and Jennifer Wessel, "Report on the Organizational Climates of Congress," University of Maryland, 2019

expectations in the 1980s and 1990s whereby members should avoid being seen to have “gone Washington.”⁹ Viewing time spent in Washington as something to be avoided is detrimental to the health of the institution and we should work to change the understanding of it as such.

But even if this framing is harmful, that does not mean that pushing to rollback one of its consequences and calling for more members to relocate to Washington is automatically the right thing to do. While we lack comprehensive data on the occupations of congressional spouses, either historically or today, it is fair to suspect that more members today may come from dual career families.¹⁰ Moreover, if we care about continuing to diversify the range of perspectives which lawmakers bring to Washington, we do not want to create systematic barriers to individuals with caregiving responsibilities from serving in Congress. Again, this is not to downplay how personal relationships can play a role in facilitating collaboration. It is simply a reminder that there are tradeoffs in returning to earlier models of creating those relationships.

As we consider the role of interpersonal relationships in Congress, it is worth considering the difference between productive *legislative* behavior and good *interpersonal* behavior among members. In the language of this hearing’s title, I would consider “collaboration” to be more closely related to the former, while “civility” is more nearly associated with the latter. Considering changes meant to improve interpersonal behavior should always involve questions about what a culture of civility is in service of. Civility, and good interpersonal behavior more generally, can encourage collaboration and other productive methods of doing legislative work. But calls for civility also have a long history of serving as a means of attempting to suppress marginalized groups; as John Stuart Mill wrote in *On Liberty*, “with regard to what is commonly meant by intemperate discussion... the denunciation of these weapons would deserve more sympathy if it were ever proposed to interdict them equally to both sides; but it is only desired to restrain the employment of them against the prevailing opinion.”¹¹

Along similar lines, we often hear discussion about norms as being central to collaboration in Congress, and that the difficulties Congress currently faces in addressing the issues facing the country is because these norms have been abandoned. Norms, however, exist in what political scientist Sarah Binder has described as a “positive feedback loop: lawmakers sustain norms that they believe with redound to their benefit within an institution.”¹² As we consider the role of norms in cultural change in Congress, then, it is worth remembering that they tend to serve the existing status quo approach to doing business well. It is equally important to think about how building new norms requires convincing members that they will help them accomplish their goals.

<https://research.umd.edu/sites/default/files/documents/Organizational%20Climate%20of%20Congress%20-%20Full%20Report.pdf>.

⁹ Thomas E. Mann and Norman J. Ornstein, *The Broken Branch: House Congress is Failing America and How to Get It Back on Track* (New York: Oxford University Press, 2006).

¹⁰ For a journalistic discussion of the changing nature of congressional spouse careers, see Liza Mundy, “The New Power Wives of Capitol Hill,” *POLITICO Magazine*, July/August 2014
<<https://www.politico.com/magazine/story/2014/06/the-new-power-wives-of-capitol-hill-108012/>>

¹¹ John Stuart Mill, *Utilitarianism, Liberty, & Representative Government* (New York: E. P. Dutton, 1910), 150; quoted in Kathleen Hall Jamieson, Allyson Volinsky, Ilana Weitz, and Kate Kenski, “The Political Uses and Abuses of Civility and Incivility,” in *The Oxford Handbook of Political Communication*, Kate Kenski and Kathleen Hall Jamieson, eds. (New York: Oxford University Press, 2017, 205-218): 211-212.

¹² Janna Deitz, “Sarah Binder Weighs In: Institutional Hardball – in Congress and the White House – and the Legislative Road Ahead,” *Insights: Scholarly Work at the John F. Kluge Center of the Library of Congress*, February 24, 2021 <<https://blogs.loc.gov/kluge/2021/02/sarah-binder-weighs-in-institutional-hardball-in-congress-and-the-white-house-and-the-legislative-road-ahead/>>.

Being mindful of this distinction between interpersonal and legislative behavior, I believe that improving the latter requires creating more opportunities for members to have efficacy in the legislative process. Here, as before, I encourage you to think creatively beyond approaches used in the past and to recognize that because rules and procedures accumulate on top of one another, various procedural reforms can end up existing in tension with one another.

Here, it useful to explore the House's experience with reform in the 1970s.¹³ The Legislative Reorganization Act of 1970 required committees to adopt written rules, ended the practice of voting by on amendments by teller in the Committee of the Whole, and stipulated that committee roll call votes be public. In 1971, the Democratic caucus began limiting members to a single subcommittee chairmanship, and in 1973, the caucus adopted the so-called "Subcommittee Bill of Rights," which, among other provisions, allowed committee members from the majority party, rather than the chair, to select subcommittee chairs; that package of reforms, as well as a subsequent one in 1975, also expanded the resources available to subcommittees. Beginning in 1973, House committees were required to open their hearings and meetings to the public unless the panel voted to close the session, incentivizing rank-and-file members to use committee proceedings for their own individual goals. In 1974, the House allowed bills to be referred to multiple committees, which was seen, in part, as providing more members the opportunity to weigh in on legislation. And in 1975, the Democratic caucus deposed three of its committee chairs, undermining the strict seniority system for awarding chairmanships and weakening chairs' power.

The consequences of some of these reforms, however, proved challenging to the majority party. Providing for recorded votes in the Committee of the Whole, for example, helped, along with the newly implemented electronic voting system, lead to a significant increase in the number of amendments offered; the newly empowered subcommittee chairs, moreover, often found themselves managing debate on these bills with little previous experience in controlling the floor. A desire for a less chaotic process contributed to Democrats' embrace of restrictive rules that limited amendment opportunities during the 1980s. In other cases, reforms that were originally aimed at opening up influence to more members ended up being used for other purposes. By the late 1980s, for example, multiple referral had become a tool of increased Speaker power through the imposition of tight deadlines and the use of restrictive rules to protect cross-committee agreements on the floor.

In contemplating procedural reforms to encourage collaboration, then, you should expect that they may be in tension with other realities of the contemporary legislative process and seek ways to work within those constraints. One particular area I would encourage you to consider is ways to provide members to claim credit explicitly for legislative wins, even when those wins do not involve the passage of a bill on which the member was the lead sponsor. The Committee's previous recommendation related to congressionally-directed spending—which informed, in important ways, the Community Projects Funding initiative led by the House Appropriations Committee in the 117th Congress—is one such approach. Another option would involve formatting committee reports in such a way that make clear which provisions were added as the result of member requests at the drafting stage or as the result of specific member amendments.¹⁴ Along the same lines, providing a clearer accounting of which standalone bills are incorporated into large, omnibus packages would help the members and committees who put in the difficult work to draft those individual components claim credit for their effort.

¹³ Eric Schickler, *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (Princeton, NJ: Princeton University Press, 2001).

¹⁴ This idea was also discussed in the Report of the Congressional Reform Task Force, Convened by the American Political Science Association, October 2019
<<https://www.apsanet.org/Portals/54/APSA%20RPCI%20Congressional%20Reform%20Report.pdf?ver=2020-01-09-094944-627>>.

To conclude, I want to emphasize that there are limits on what changing the rules and procedures under which you operate can do to change the culture of the institution. The incentives you face as you do your work are also shaped by the rules under which your districts are drawn; by how your primaries are conducted; by how your campaigns are financed; by the media environment that generates coverage of your work; and by laws that, in some places, ease and, in a growing number of other places, restrict the ability of your constituents to vote for you on Election Day. An overview of the evidence on how specific changes to this complicated set of laws and rules would change the institution is beyond the scope of this hearing (and my expertise), but they certainly affect your incentives and thus your culture. I do not draw attention to these limitations to deter you from the important work of improving Congress's culture, or to provide you with a scapegoat for making hard choices about how you do your work and how you conduct yourselves while doing so. If anything, I hope that they serve as a reminder of the importance of the productive, collaborative, and institutionally valuable work your panel is committed to doing. Thank you again for including me in these efforts.

The CHAIRMAN. I would like to ask both witnesses whether they have any additional points or comments that they want to make, having heard one another, before we move on to member dialogue and questions.

Mr. LEVIN. Well, thank you. I appreciate that, and I appreciate the opportunity to respond to Molly's very thoughtful remarks.

I think, as she suggested at the end, that it might be worth our spending this brief period thinking about specific ideas for change that might build out from some of the points we have made and some of the points we each make in our testimony. And I would do that by stressing the point I suggested, which is that changing culture means changing work especially. And it is important to think not only in terms of how we can get Members to cooperate more, to get to know each other more, all of which matters. It is important that we think in terms of categories like budget reform.

The budget has always been at the core of the culture of this institution from the very beginning. It is at the essence of what Congress does. The power of the purse shapes the ambition that members come here with and the nature of the work they do, and Congress has moved to change the nature of the budget process very often in response to what are in effect challenges to its culture or rather to its ability to work effectively.

The budget process that you work with today, which comes from the middle of the 1970s, is not well-suited to the needs that Congress has now. I think that is true both in terms of the needs that involve spending Federal money but as well as the need to work together across party lines in an institution that is divided and that has been closely divided now for a generation.

This budget process comes from a time when one party had held control for 20 years and expected to hold control for forever and did for another 20 years after that but that has not been the case now for quite a while and a budget process that is suited to a Congress where each party thinks it might gain control next time I think would look rather different than the kind of consolidated process you have now which, if you think about it, assumes an enormous amount of coordination capacity which now is very difficult in Congress. I think it is very important to think in terms of budget reform if you want to change the culture, the nature of the institution.

Secondly, I would urge you to think, as this committee has in very constructive ways, about ways of re-empowering the committees of the House, the committees of the Congress. That is important both for advancing the work of the institution but also for allowing Members to see how they can matter, even if they don't happen to be the Speaker or the majority leader or even a committee chair, and allowing Members to see how their time is spent in ways that translate into meaningful work they can show their constituents and they can point to in explaining how they are improving the country.

Committees are enormously important in that way, and I would distinguish strengthening the committees from strengthening individual Members. That is, it is not just about decentralization. It is about that middle level where Members work together and engage with each other over concrete, substantive policy issues. I think

that is enormously important if we want to think about changing the culture.

And, finally, I would just point to one idea that is in my testimony which I think has—can be a sensitive issue in Congress but has to do with the question of transparency. There are a lot of ways in which the increased transparency in this institution has done an enormous amount of good. A public institution needs to be transparent, but there also need to be forums in which Members can work together in private. A lot of the work of Congress is bargaining and negotiation. Bargaining and negotiation are not well-served by absolute transparency. So that, while it is very important to that Members be answerable for the decisions they make, that they are ultimately responsible for their votes and for proposals and ideas, there has to be some room for negotiation.

That fact is now dealt with by Members working with each other outside the structure of the Congress, creating little groups where they meet and talk about what a bill could include. Well, that is what a committee is supposed to be, and the reason that that doesn't happen in the committees is, frankly, that it is very hard to do that on television or livestreamed to your most engaged constituents. There has to be some room for some engagement with one another before Members step out in front of cameras and do the part of their work that is ultimately public. I know that is easier for me to say than it is for you say, but I think it is very important to think about as you ask yourselves how to improve the culture of the institution.

Ms. REYNOLDS. Thank you.

So, to start, I will sort of endorse many of the ideas that Yuval offered in his remarks there. And then I will say that generally I think what is important for improving legislative behavior is creating more opportunities for Members to have efficacy in the legislative process. I would encourage you to think about more ways to provide Members opportunities to claim credit for legislative wins, even when those wins don't involve the passage of a bill on which you were the lead sponsor.

So this would include things like formatting committee reports in such a way that make clear which provisions were added as the result of Member requests at the drafting stage or as a result of specific Member amendments, providing a clear accounting of which standalone bills are incorporated into large omnibus packages. That would help acknowledge the hard work of the Members in the committees that went into those individual components. Another approach would be to involve sort of formally designating what you might think of as a lead bill coauthor, so a kind of additional category between sort of the formal sponsor of a bill and the cosponsors to signal in some formal way that someone else had made major contributions to the origins of a bill.

The last thing I will say is that I—while I think these reforms and the kinds that Yuval mentioned are important, there are limits to what you can change by changing your rules and procedure about the culture of the institution. I say that not to discourage you from doing this hard work, because it is incredibly important, but just to acknowledge—if anything, to make it more important that you do the best work you can but to acknowledge that there are

lots of things outside these four walls that shape your culture as well.

Thank you.

The CHAIRMAN. Thank you. I appreciate—oh, sorry.

Thank you. I appreciate both your testimony. Until the end of the hearing, this will be the last formal thing I say.

I now recognize myself and Vice Chair Timmons to begin 2 hours of extended questioning of both witnesses. Any member who wishes to speak should signal their request to me or to Vice Chair Timmons.

So, prior to the hearing, Vice Chair Timmons and I had a little bit after discussion around just some of the things that got teed up in the testimony. Both in your written testimony mentioned committee empowerment, Member empowerment. There was discussion of budget and appropriations reform. I know Vice Chair Timmons wants to hit on the issue of time and schedule and how that impacts things. So we have a few threads to pull, and, as we mentioned at the start of this hearing, our intent is to have this be a little bit more free-flowing so that, rather than being a regimented 5 minutes per person, that if we are hitting on a topic you want to ask a question about, let us know and you can ask the question. That is part of the idea here.

So, maybe just to kick us off, I want to get a better sense from you of what committee empowerment looks like and that, you know, if I airdropped you onto this committee, other than running, screaming for the door, what would you do? What would you recommend to better empower committees?

I know—and, Dr. Levin, in your book you actually reference the fact that, you know, some of what we see now in terms of centralization of power was due to reforms in prior generations.

So what do we unwind? What do we change? What does committee empowerment look like?

Mr. LEVIN. Well, thank you very much, Chair Kilmer, for the question.

I would start by stressing that point, which is that a lot of the problems we face now were solutions to problems that Members faced in a prior generation, and that is just natural. That is how institutions evolve. It doesn't even mean they were wrong to do what they did. A lot of the centralization of power that happened in Congress began in the 1970s in response to excessively powerful committee chairs and a sense among younger members that some committee chairs, especially southern Democrats, were standing in the way of important reforms that a lot of Members felt that they had been elected to advance. And they worked to take away some of the power of those committee chairs, and the way they could do that is as young Members was to move that power to leadership and to empower their party leaders to take away some of the authority that committee chairs had, and that began a process of centralization.

I think there is another wave of that that came in the 1990s when Republicans took control of Congress for the first time in decades. And, frankly, they didn't have much experience of running the institution through the committee system. They had been elected thanks to work of a Speaker and majority leader, and they gave

that Speaker and majority leader a lot of power, which ended up centralizing power away from the committees in ways that did advance some important agenda items but that have left us in a situation now where I think a lot of Members feel like their time on just a normal week in Congress is not devoted to enough work that is really going to ultimately matter and result in legislation, result in something they can show their constituents.

To me, it is very important to think about the answer to that in terms of committee empowerment more than individual Member empowerment. Congress is plural. It is not an institution where a single Member can really drive the agenda. And empowering individual Members, I think, very often just results in grandstanding because that is what members can do. They can find a camera and make their name that way.

The committees have a very distinct and unusual role in the institution because they allow power to flow in ways that enable groups of Members to work together and represent some of the diversity of the larger institution that can then result in legislation that might have a chance of moving. So, to me, empowering committees really means allowing the everyday work that Members do in committee to result in legislation. And it is not nearly enough the case now that that work has any chance of really resulting in legislation.

One practical idea I would point to is something that a lot of State legislatures do now. More than 20 State legislatures allow committees to control some floor time so that there is once a month in most cases a certain amount of time that belongs to the committee, to the chair and the ranking member. Or different legislatures do this differently where, generally speaking, what happens in that time is that legislative proposals that have passed the committee, so have some support that reflects some of the breadth of the larger legislature, can move to the floor, regardless of whether the party leaders want that or not. That time belongs to the chair or the committee.

And that means that the work of the committee, especially when that work is somewhat consensus-driven, has the support of a large number, and some State legislatures require that there be a supermajority on the committee for a bill to meet the requirement of that time, can actually get to the floor. And that means that Members don't have to think about whether what they are doing will satisfy their party leader. They can look at the around them, around the committee room, and see that this work can get somewhere, that if we work together and get to a place where enough of us agree, then the larger legislature can look at it. That is one idea. There are many others.

But I think the point of that is to enable the work that is done in committee to matter. I would describe the problem right now as a sense that that work really doesn't matter enough and that what you can do in committee is, you know, badger somebody in such a way that might get you on your favorite cable news channel that night rather than thinking about producing legislation that might actually get somewhere.

Ms. REYNOLDS. I will just start where Yuval ended, which is to say that I completely agree with this notion that one of the chal-

lenges in committee—with committees right now is that there is no—often no reason to believe that the hard work done in committee will result in legislation that actually comes to the floor and has a chance of becoming law and Yuval suggested one way to address that is by giving committees protected floor time. Sort of a related proposal would be to guarantee each committee sort of some number of bills that they get to bring to the floor each session. So I think there are a number of different ways you can approach that, but fundamentally I think that that is the central challenge here.

The other thing I would say, going back to some of the history where Yuval started, is that, when we talk about empowering committees, we need to be careful to specify what we mean by that and that what I think we want is committees where individual Members feel like that is the place where they can have a say in the legislative process. And one of the sort of part of how we ended up where we are today is reforms that disempowered committee chairs because they had sort of developed little fiefdoms around the institution where even—we would have said in the middle of the 20th century that committees were quite powerful but that they were not powerful in a way that meant that individual Members felt like that was the avenue through which they could have input into the legislative process.

And so, as we think about empowering committees, I think we want to be clear that we want them to be places where real legislative work is done by all of the participants and not just, say, the leaders of each individual committee.

The CHAIRMAN. I know Vice Chair Timmons wants to get in on this, and I think Mr. Phillips also wanted to.

Mr. TIMMONS. Thank you, Mr. Chairman.

I am actually going to step back a little bit and try to frame this. I am seeing three kind of areas of focus. Time is one. And, you know, we have talked about the calendar. In 2019, we traveled for 70 days, and we were here for 65 full days. That is crazy. We made a recommendation last Congress about two weeks on, two weeks off. We can talk more about that, but it is not just being here more. It is our time here and how we are efficient with the floor schedule and how we are efficient to not be in multiple places at once with committees and subcommittees. So we are working in that area, and I am sure we are going to talk more about that. So the first is time.

The second is relationship-building opportunities, and we have talked about a number of different ways that we can do that, and we are going to go deeper in that category.

And then the third, and I definitely agree one of the most important, I refer to it as restructuring incentives and, you know, you have got budget reform, and that is huge. We haven't passed a budget in decades. I mean, this is crazy. And, you know, I like the idea of restructuring committees and empowering Members. And, you know, we have been talking about that. And, you know, another thing would be maybe expedited hearings for, you know, we have the discharge petition, which is useless—it is just a messaging device—and then, you know, maybe creating a lower threshold for a discharge petition but making it equal Rs and Ds, so 80

Rs and 80 Ds. And you get a hearing where—maybe within the committee you get, you know, maybe 50 percent or 40 percent of the actual committee, but it has to be equally Rs and Ds; you will get an expedited hearing or you can force a hearing or just anything we can do to create an incentive for bipartisanship, because I think that is huge.

So can you-all speak really quick? Do you agree that those are the three categories we should be focused on: time, relationship-building opportunities, and then restructuring incentives? Is that fair, or is there another area that you think would be important to add to our top three?

Mr. LEVIN. Well, thank you. I do agree that those are three important categories. I think I would place the third of those first.

Mr. TIMMONS. Sure.

Mr. LEVIN. And that it is particularly important to think about the nature and work of the institution.

I would also say one other thing. The way you put things and the way that I would often put things, too, which says it is crazy we haven't passed a budget in 30 years—or, you know, it is really now 7 years—I guess, since there was really an organized budget process. Maybe it is not that crazy. Maybe the question is: If this is how Congress works now, what should the rules be to enable that to be a way to pass legislation? If we are not going to push our way through the 1974 budget process, what are we doing? And what would it look like for a Congress that wants to do that, to establish its rules in a way that enable that to lead to constructive legislation?

I think it is worth your while as members to think about how are we working? If what it takes to pass a bill on infrastructure is to put aside the committee system and get members together in a private room to talk about infrastructure, well, maybe that is what the committee system should be. If we can't seem to get a budget passed in the way that the budget process requires but there are other ways that we do spending bills, well, let's think about what the budget process would look like if it actually enabled Members to do what the evidence suggests they want to do.

This is your institution. You can change the rules. The Constitution creates very, very broad frameworks for what your work has to involve and lets you set the rules within that to a very great degree. None of these rules is sacred. None of these things has to be this way. And if ask you yourself, you know, on that flight where you spend most of your time, you ask you yourself, why am I spend something much of my time here, the answer to that can just be, well, maybe I just shouldn't, and there are ways to change this.

I would think the same way about the budget process, about the committee system. You really can change the way this works. I think that is the premise of this committee. It is a premise that a lot of Members need to internalize and really, before attacking Congress for failing to do something, think about how to change Congress so that it could succeed in doing what you think you were elected to do.

The CHAIRMAN. I know Mr. Phillips wants to get in on this.

Mr. PHILLIPS. Thank you, Mr. Chair.

I want to continue on the theme of incentives to which you both refer. The incentives here are perverse, I think it is fair to say, and I would like to go further upstream. We all know that Members who come from very safe districts not only are not rewarded for working together; they are punished. They are labeled as traitors by their base, whether it is a deep blue district or a deep red district.

So my question for each of you is: Are there some changes to our electoral system that might reward candidates on both sides of the aisle who would come here with the ethos of working together? Is rank choice voting or independent redistricting commissions or changes to our primary system? Any thoughts on how to create an awards system before people come here to incentivize collaboration?

Ms. REYNOLDS. So reforms to the electoral process are certainly beyond my expertise, but I would say that it is important to think about the sort of biggest incentive structure possible when you are asking yourselves kind of why did the incentives that you face shape your behavior in the ways that you do. So the question is absolutely the right one. I can't speculate. I don't know if Yuval would like to on sort of exactly which reforms to the electoral system might change your incentives and, thus, your behavior in specific ways, but I do think it is the right question to ask.

Mr. PHILLIPS. Mr. Levin.

Mr. LEVIN. Well, I would only say that I think it is important to experiment with changes on that front because that is the most powerful incentives that a lot of Members face. And I say "experiment" because it is easy to get things wrong in unexpected ways. I think the incentives that members confront now have to do a lot of the time with a set of election reforms that were advanced in the 1970s that created the primary system we know now that were intended to solve real problems and that ended up creating I think in some ways bigger problems. That was not the intention of their designers. They were not meant to make our system more partisan, but they absolutely have made our system more partisan.

So I do believe that there is great value in experimenting particularly with rank choice voting for the House, but I think it is enormously important that that be experimentation. The reason I think it is valuable is because this institution is meant to be representative of the breadth of our society, and that means it has to represent more finely some of the distinctions and differences that exist.

I would put it this way. I think one of the strange things about the contemporary Congress is that there aren't a lot of intraparty factions. Polarization, on the one hand, means the parties get more and more different from each other. It also means the parties get more and more similar internally, and there are fewer internal differences among Republicans and Democrats that might allow for some room for some Republicans to work with some Democrats. The electoral system can help to change that.

And there is some experimentation happening in Alaska next year. It is being considered in a variety of places, as you know. I think that is very constructive in that it is important when we face an element of our system that we think is failing us that we ask ourselves how can we change it and that we try to do that and see

what happens. And so I am encouraged by those experiments, but we shouldn't assume we know how they will go because these kind of things have a way of surprising us.

Mr. PHILLIPS. Thank you.

The CHAIRMAN. I think Mr. Perlmutter wants to get in on this.

Mr. PERLMUTTER. Yeah, just more I want to respond to Dean, and I will just use Colorado as an example. We went to allow all unaffiliated voters to vote in the primary, and they get a Democratic ballot. They get a Republican ballot. They can choose one ballot and move forward. And I was opposed to it. I said, "No, you got to be a member of the party. You know, you are working hard." So we did this 2 years ago.

And, as an example, John Hickenlooper, a former governor, sort of a moderate-centrist kind of guy, dealmaker was running against Andrew Romanoff, our speaker, who is a darling of the left. And based on what we saw from sort of party kinds of things, Andrew was going to clean his clock, and John ended up clobbering him because the unaffiliated voters in this instance—and moderate Democrats—just said, you know, "No, this is our guy."

And so that did moderate kind of the extremes in that instance, and I was opposed to us going to this thing, and I was wrong, you know.

The CHAIRMAN. And I think we have got a couple more questions around incentives before we shift gears.

I have one on incentives, and I know Vice Chair Timmons does, too, but so one example of where the incentives have broken down is on the floor. You know, I came out of a State legislature where every bill was taken up under an open rule, and in 8 years in the Washington State legislature, I can count maybe five or six times where people used that to make political hay, but, by and large, the incentive was or at least the norm was don't be a jerk, in part because you don't know when you are going to be in the minority and you don't want people to be a jerk to you. And yet we see a lot of the activity in our Nation's Capitol certainly much more focused on making political statements than on trying to make law.

So how would we change the incentives on that? How—you know, I think this gets into this issue of Member empowerment, too. People want to have a sense of efficacy, but it is this tricky dynamic. I shared with Dr. Reynolds, you know, when I was 10 years old, my parents gave me the opportunity to have free rein over the pantry and to use the stove, and I quickly gained, like, 70 pounds, right. It was very empowering, but I abused it, right. And, you know, and then I lost the keys to the pantry, right, so which is why we have closed rules now. It is, you know, we have taken away the keys to the pantry. So what do we do?

Ms. REYNOLDS. So I will say that I think one of the biggest challenges here is convincing Members that any opening up of the amendment process would be a durable, persistent change and that one of the things that we have seen when both parties in both Chambers have made steps down the road to a more open amendment process is that that happens. The first time Members are confronted with the open pantry, to use your metaphor, Mr. Kilmer, they sort of go all in. And then the only response to kind of manage

that chaos is to tamp down on the process in some way and then say, "Look, we gave you a chance, and you all failed us."

And so I think this isn't a sort of concrete proposal except to say that their getting from sort of A to Z on a more open floor process would be messy and there would have to just some willingness to kind of push through that sort of interregnum, that middle period, before there was a new, kind of equilibrium of more open debate.

Mr. LEVIN. I very much agree with that.

I would add only that I think it also requires Members to have a tolerance for the unpredictable. You know, we complain about centralization of power and Members certainly complain about it but part of the reason it happens is the party leaders protect Members from votes they don't want to take and from votes they don't want to answer for at election time. And, obviously, open rules can be used by one party to force Members of the other party to take exactly those kind of votes.

I think part of what it would take to think in terms of empowering Members is building up a greater tolerance for expressing views on questions that are put on the table by the other party where you may not want to tell your voters that that is your view on this question, but you don't really get to just not express an opinion when you run for Congress. So there are other things you can do in life but, you know, if you chose this one, you have to be willing to vote on hard questions.

And I think that it is a mistake to think that the rules are all closed because the leaders want all the power. Part of the reason is Members don't want to be exposed. And in calling for more open rules, which I think would be very helpful in a lot of ways, there has to be some openness to the chaos that results. I mean, that chaos is a process of negotiation and bargaining. Sometimes it is just politics, too. And, you know, I think Members have to kind of know what they are in for and what they are asking for and, as Molly said, not be shocked the first time that this is abused and say, "Well, we got to go back to what we are doing before so we don't face this threat."

Ms. REYNOLDS. And If I could just add one thing, the one sort of perverse part of this is that one of the consequences of having more restrictive rules and fewer amendment votes is that then there are fewer votes overall. And so the ones that you do take get more attention than they would if you were voting on lots and lots of things. And so, you know, yes, you are forced to take one vote over here that you didn't necessarily want to have to take on the record on something. But in a world where that is part of a much bigger set of votes, a much richer voting record, the consequence of any one vote may not be as high as they are in this more restrictive environment.

The CHAIRMAN. Mr. Timmons.

Mr. TIMMONS. Before I get to my question, I am going to start with addressing this issue. I was in the State senate for 2 years before I came to Congress and every time we were in session—there were 46 of us. We sat in the room and anybody could stand up and ask anything, propose an amendment, and we only had two instances in the entire 2 years where someone abused that process. And I think part of it is because when you take the well and you

say something ridiculous and you propose an idea that is ridiculous, you see the faces of your colleagues, and you see, one, you are going to—you have intentionally done this to make half of them mad. And the other half, your party, is looking at you like, “You are really doing this? Like you don’t—this is not appropriate.”

And so I think, in large part, we are going to have to do some self-policing, and, you know, if we do go down this more open route, the fringe are always going to try to take advantage of it, and it is going to be hard to police the other side, but we got to police our own side. We got to keep people moving in the right direction because creating problems is not going to solve these huge challenges facing this country.

So, to my question, all these changes that we are discussing involve decentralization of power, you know. Whether it is not being here, when you here, you are pinballing around, that centralizes power to leadership; when, you know, the committee structure currently centralize power to leadership. The incentives currently end up with four people making all the decisions in Congress, and you get a bill that is 5,000 pages long, and 6 hours later you are expected to vote on it.

So, you know, all of these changes do decentralize power. So my question is this, and I am going to give you my thoughts on it and then I want yours. The fact that this committee exists indicates a willingness for change. The fact that we have been extended one year and then now a full Congress indicates a willingness to consider changes. The dysfunction is so severe that even leadership, I believe, is open to making some legitimate structural changes. Could you talk a little bit about your thoughts on the challenges with decentralization of power in regards to leadership?

Ms. REYNOLDS. Sure. So I would begin actually with a point related to something that Yuval said in response to the last question, which is that one of the reasons that power is centralized in the way that it is, is because it is challenging for, in some situations, for individual committees to come to agreement on what a proposal should look like. And when an individual committee cannot do it, it gets sort of run up to the leadership and that there are situations in which leaders are the ones who have sort of the power to say this is what the deal is going to be. I am not saying that is true in all of the cases, but I think this is—these are all sorts of pieces of the same puzzle.

So, in order for some power to flow away from the leadership, you need some kind of somewhere else for it to go, and you need, I think, we would both say, one place for it to go would be to committees, and there you need committees to have the tools and resources they need to be able to do the work and feel like, if they do the hard work of getting to a proposal on which they agree, that that proposal is actually going to go somewhere.

And so I think that that—I think, as is the case with many things in Congress, I think sometimes we blame the centralization of power in the hands of party leaders for more of Congress’ pathologies than it is necessarily the sort of chief cause of, and, in some cases, it is the response to other challenges that Congress faces. It is what Congress sort of how Congress has evolved to deal with other challenges.

Mr. LEVIN. I very much agree with that, and I think it is important to see it. I mean, I would say the centralization that happened in the late 1990s, I was a staffer in the nineties on the Budget Committee, and then I worked for Speaker Gingrich in his final 2 years, and I would say that a lot of that centralization happened because Republicans had gotten elected on a very ambitious agenda of institutional reform, and none of the committees knew how to do that. They came in realizing they had promised to do things that they just weren't equipped to do, and so they felt like the only way to do this is to put all the power in the Speaker's Office and let this move.

I think that that over time created a culture in the House that left Members without much experience of a more decentralized House and so without a sense that they could really do it so that, while it is easy to complain when it feels like you have no power, it isn't, I think, simply obvious what a decentralized House would look like as matter of moving a legislative agenda now.

One other point I would make is that there is also—there is a way in which decentralization should be attractive to leaders now. Obviously, nobody wants to give up power, but the power that is now centralized in the leaders, in both party leaders in both Houses, is excessive in their own view. We had a strange situation in two Congresses ago now where the Speaker resigned, retired, whatever you want to say, and everybody looked around and said, "Who wants to be Speaker," and nobody wanted to. And, you know, someone literally got forced to be Speaker, more or less.

I think the reason for that is that the job has become very, very challenging as a matter of managing a coalition that looks to you to keep it from becoming unruly. I think it is just an unreasonable expectation to have of the Speaker, that Speakers know that, and that there is some appeal to allowing more of the work of the institution to happen through the committees where the Speaker can say this is working its way through the House. Speakers say that now, but it isn't really true, and I think in some ways their quality of life would also be improved by it being more true.

The argument for decentralization needs to look like that as made to them because they have got to be persuaded that it makes sense for them to give up some power which is never obvious or easy.

Ms. REYNOLDS. I would also say that it just, from purely a, like, legislative throughput standpoint, the more—the less powers in the hands of party leaders, the more work can be done. If—right now, often the sort of MO is you have to get, you know, the leaders to sign off on the agreement, and it is just matter of workflow. There is only so much that can go through four people.

And so, as you kind of think about decentralizing, devolving some of that power, it also just opens up the possibility to do more work when there isn't the one potential bottleneck in the process.

The CHAIRMAN. I am—I want to call on Mr. Joyce, but can I quickly ask: Your recommendation about giving the committees floor time, isn't that in the rules now, like Calendar Wednesday, or—I mean, isn't that basically in the rules, and we waive them?

Ms. REYNOLDS. There are probably ways you can use the existing rules to try and do that. I think the bigger challenge is just con-

vincing committees that they will actually get the opportunity to do that. And there are other ways—you know, I don't want the—sort of the time is one piece of it. I think thinking about it in kind of units of legislative proposals might be another one, the idea that, you know, each committee gets the ability to bring a package of some size to the floor, and that is protected, is another way, I think, to approach that.

The CHAIRMAN. Okay. Mr. Joyce.

Mr. JOYCE. Thank you, Mr. Chair.

In my limited time here—I have been here since 2013, and I have certainly seen the ideas flow from Speaker's Office leadership to the floor, and then we are stuck voting at them, and then you have people who make a habit out of going out and saying nobody could have read this bill.

Now, being on appropriations, we have—Derek, we work on these bills for long periods of time. Unfortunately we know the things that are in your omnibus and things like that.

Would it make more sense—and I wasn't here for the ACA, but certainly for the AHCA—to have, say, like that, a healthcare month, so all the committees of jurisdiction would have those hearings. That is all that would be taking place in the institution, and having, you know, believe it or not, learned witnesses coming in and talk about, you know, like, in Cleveland area, we had two fine institutions, Cleveland Clinic and UH.

When you talk to the people there, they have great ideas on how to bring the cost of healthcare down. But having experts from throughout the country, because obviously the city of Cleveland is going to be different than some urban area or rural area, you know, but to have those people come in and testify, whether it is E&C, whether it is Ways and Means, and that is all the news media would have to focus on for that month, would be the issue.

And so the American people, I believe they are bright enough to, when presented with, you know, here is the problems, here are the costs, these are the potential resolutions, reach out to your Congressman or reach out to your Senators and let them know where you stand, that we would input throughout instead of having people running against the institution and against the bill to the detriment of the American people.

Does that sound like something that would work?

Mr. LEVIN. Well, I think there is—that that is certainly one way to think about how to focus the attention of Members on their substantive work rather than on participating in the larger kind of theater of cultural war politics, which is what you do when you don't have other ways of using your time constructively, frankly. It doesn't seem like the rest of what is available to you would be of any purpose, and so at least this is something voters do care about.

I think one thing I would say about that, there is value in the committees of the Congress—and Molly just got to this, too—working in parallel on different issues. Congress can work on a lot of different things at the same time when it isn't the case that one person has to approve everything that gets done.

And so there is a kind of advantage to parallel processing where different committees can focus on different areas at different times. And Members don't have to think that their job is to focus the at-

tention of the public on this issue in an intense way right now so that we can get something done, but, rather, see their everyday work as working on a variety of important public policy issues that move on the schedule that the system allows for.

But I agree with you that Members have to take account of the reality we are living in, and that reality means that there are times when significant legislation can only really move when there is public pressure within that theatre of our politics. And there has to be ways of using the committee system and not just the platforms that are available to leaders to make that kind of change happen. So you have to be creative about how to do it.

Ms. REYNOLDS. I mean, I will just add one note on this and Yuval's point about parallel processing, which is that is part of the reason Congress has committees in the first place. So, if we look at the history of the development of the committee system over time, the reason Congress created committees to handle specific jurisdictions of work was so that it could process more and more complicated issues in parallel at the same time rather than having the whole Congress have to sort of take up every and do the work on every issue and to create kind of durable groups of Members who could specialize in particular areas.

So I think, in that sense, allowing for that kind of parallel processing goes back to the very origins of why we have committees.

Mr. JOYCE. But healthcare is one-sixth of our economy. You know, it is something that needs to be dealt with.

Ms. REYNOLDS. Absolutely.

Mr. JOYCE. Infrastructure, ever since I have been here, nothing has more bipartisan support and the less get done than infrastructure, and here we are talking about it yet again. And one 17-hour markup in a committee does not make a bill. I mean, it takes more to figure out what the needs are for our country because they are different in all 50 of the States. I just am trying to think of a way that people have input and work through these things and work together in concert versus us against them.

The CHAIRMAN. I know we have been talking about Member empowerment, and I know that Ms. Van Duyne wants to ask about freshman empowerment, too, and new Member—how new Members are on-boarded, so go ahead.

Ms. VAN DUYNE. Thank you.

Well, look, I sit in a seat where all of you have been as a freshman. We have that in common. My freshman orientation might have been a lot different than all of yours, you know, coming in during COVID and having everything separated, wearing masks, not really getting to know other Members, new Members.

I am interested in finding out a couple of things. Many things, but two questions.

From your perspective, freshman orientation was very different this time and seemed like we were very separated, Republicans, Democrats. The reason for that was we didn't have enough room, right, to have everybody together.

Events that we would normally have that are much more informal were not available to us. But we are still learning. And, when we are going into committee hearings, when we are going into meetings, we understand completely the seniority perspective and

how, you know, freshmen have—being a freshman is tough. Being a freshman in minority is even tougher, but, you know, working our way through that.

But, when we are in these sessions where the cameras are on, a lot of people are talking into the cameras. They are only there to talk to the cameras. Everything seems to be so overly formal that, where you need to have conversations, we don't. Even in committees, there is very little conversation. There is no back and forth. You have your—this is a much different committee than most, but normally the chairman—you have 5 minutes. You ask questions of the witness. You don't talk to each other, and that is it.

So a couple of things. One, freshman orientation, what things do you think we should really address in freshman orientation to get that kind of camaraderie from the get-go?

And, two, in committee hearings or in committees in general, how do you set up an informal way where we are—you know, you don't lose it to the floor where you have people bantering back and forth, but you can at least have conversations where this compromise or discussions take place and not just speech giving?

Mr. LEVIN. I think it is a wonderful set of questions.

I would say a couple things. One thing I would stress in terms of orienting new Members is helping Members understand the history of the institution and especially helping Members see that Congress hasn't always worked the same way, that, at different times, if you encountered the House of Representatives, you would find a very different kind of institution, very different kind of budget process, a very different kind of committee system, very different sorts of relationships across party lines.

And I think the reason it is important to see that is that it is very easy to come into just an existing structure where things are going a certain way and think, "Well, I have got to sort of find my place here and figure out, you know, how do I find the CNN camera and stand there and complain about Congress?"

There really are other ways for this institution to work, and it is up to the Members so that reform is possible. And, if there is something in particular that stands in the way of enabling the kind of work you want to be doing, that something could change. And it is entirely possible that there are other Members who agree that it should change. I think that is very important and just helping Members see that this is up to them and that it could be different.

And, to your second question, I would get back to the question of cameras everywhere. There should be cameras in some places in Congress. There needs to be transparency. The work can't be done in ways that don't allow Members to be accountable to their voters. But there also needs to be room for Members to talk to each other, to bargain, to negotiate, to raise ideas that don't end up going anywhere, to raise suggestions and someone says to you why that is not a good idea, and then you can actually say, "Yeah, okay, that is not a good idea."

You can't do that in public. You just can't do it. And I think a lot of Members now feel like, in order to actually advance anything, they have got to be part of some group that meets outside the normal process. That should lead you to think about how to change

the normal process so that it enables that kind of work to be done and be the appropriate and proper work of the Congress.

So I love C-SPAN. I am a C-SPAN junky, but there are rooms in which there shouldn't be cameras. And I think that has to be—that idea has to be kind of socialized in this institution.

Ms. REYNOLDS. And I would—on the topic of committees, I would encourage more committees to experiment the way that we are today, as we speak, with different formats and particularly the sort of notion of drawing out one issue until Members who have questions or who want to sort of speak on that issue have had a chance to do so. I think that that certainly, from the perspective of a witness, a couple—an hour or so into this hearing, I have found that effective.

And so, just in general, being willing to try more different ways and getting out of the 5 minutes for a Member of the majority, 5 minutes for a Member of the minority, in order of seniority, who is present in the room—out of that box is a place that I would encourage folks to think of.

And, you know, one of the advantages of having subcommittees of full committees is that is another venue for experimentation, so—and particularly since they are usually much smaller than the full committee. So, if a subcommittee is having a hearing, that would be a great place to start experimenting with some different formats.

The CHAIRMAN. Go ahead, Mr. Perlmutter, and then Mr. Timmons.

Mr. PERLMUTTER. Yeah. I am just thinking of sort of the physical—

The CHAIRMAN. You have to put your mike on.

Mr. PERLMUTTER. Just in this room, so, you know, Democrats on one side. Republicans on the other side. We each have our own anteroom, and, you know, there is no real—if we just had one anteroom where we all got to come in and we are visiting and it is not in front of the camera, you might get some—a little more socialization. But, I mean, the physical premises and the premises upon which the physical premises are designed is to separate us.

So what do you think about that? I mean, I would like—and there is nothing that stops us, and I often will go over to the Republican side if I want to get a deal done on something, but it really—the layout of the place is designed for separation.

Ms. REYNOLDS. I think that is a very important point, and I will just underline something you yourself just said. Nothing is stopping you. This is a point that Yuval has made several times, is that, if there are changes that you want to see made, you are the people to make those changes. And maybe that starts with breaking down the norms of only gathering with other Members of your party before a committee hearing.

But you are absolutely right that the sort of evolution of the Congress and its physical space means that there—we—you are sort of physically separated in many situations. But I would—I would just encourage you to be the change.

Mr. PERLMUTTER. Okay. Thanks.

The CHAIRMAN. The primary difference in the anterooms is which cable news channel the TV is turned to, and one has, like, Whole

Foods sandwiches, and the other Chick-fil-A, but, other than that, it is—Vice Chair Timmons.

Mr. TIMMONS. Thank you.

I want to talk about committee structure. You know—and I am going to clarify this. Remove partisanship from this because I think, if the tables were turned, it wouldn't be any different. I want to clarify that.

So, right now, there is 25 Ds and 18 Rs on Ways and Means; 33 Ds, 26 Rs on Approps. I can keep going down. HASC is actually the only one that is close. It is 31–28; T&I, 26–31. Financial Services is 30–24. So there was a huge kind of tussle over the number of Members on each committee at the beginning of the year.

And my understanding is that it is entirely at Speaker's discretion. And there is historical precedent, and it is argued over, but it is kind of Wild West; you don't really know what is going to happen. Everybody has got ideas, but, until the Speaker's Office actually says, "This is how we are going to do it"—well, and there was negotiation after that because they go back and forth.

Is there any—one, given a slim majority, you would think that the committees would be more similar to that. And, again, I am—if Republicans were in the opposite situation, it would be the exact same.

So is there any thought to maybe an algorithm that dictates it as opposed to just kind of saying, "We are going to figure this out, and you are going to deal with it," to the other side?

Any thoughts on that?

Mr. LEVIN. Well, I think that, in a sense, it is a matter of prioritizing that. I would probably urge you against replacing bargaining with an algorithm. I don't think that is the way to—and certainly to take on the culture of this institution. I would say that this kind of decision has to be made by what you describe as a tussle, by a bargaining process.

I think it makes sense that, if a majority is exceptionally large, that it has an exceptionally large majority in the key committees, a very tight majority should allow for closer votes in those committees and so closer party alignment in those committees. But I think it makes sense for that to be worked out in a negotiating process at the beginning of each Congress.

I mean, ultimately, this institution is an arena for bargaining. It is an arena for dealmaking, for accommodation, for dealing with each other. And I think it is very important, over and over and at every layer of the institution, to see it that way because Congress is the only place in our political system where people with differing views, representing different elements of our society, actually deal with each other, literally deal with each other.

That is why legislation can allow for durable solutions to public problems because people are heard, because views are moderated in order to get through the process. That kind of bargaining process is really what this institution is for.

I think that is how legislation should move and how internal decisions ought to be made, too.

Mr. TIMMONS. Conversely—again, I am very clear to say that, if the tables were reversed, it would be the exact same. So, next Congress, if the tables do turn and there is a very slim majority, I

would say it would be inappropriate for there to be a seven-seat difference on Ways and Means if it was a six-seat majority. So, like, do you think that is a good idea?

Mr. LEVIN. Yeah, and I think that ought to be a fight between the two party leaderships, between the membership, too.

Mr. TIMMONS. The response is going to be, "We are going to do what you all did." And that is not good, so we have got to break the cycle of that, and—I don't know. Okay.

Mr. LEVIN. Yeah. I agree with that, but here is a Member saying so, right? And that is the only way it can happen.

Mr. TIMMONS. Sophomore.

Ms. REYNOLDS. Yeah. I will just say that I agree with everything Yuval said, but I would also point out that some of this is driven by the demands of who wants to be on the committee. So, you know, when—among the sort of things that go into the tussle are what do—you know, some committees are more attractive than others, and one of the things that has to be balanced is who wants to be on which committee.

And it just—it is—at the end of the day, it is a—it is a political question. I don't mean that in a pejorative way. I mean that in an everything-you-do-is-politics way. And so I agree with Yuval.

The CHAIRMAN. Go ahead, Mr. Joyce.

Mr. JOYCE. I was thinking about this a little more. The idea of obviously wanting sunshine laws to be adhered to and transparency, I am not sure if—I can't recall it ever happening before. You might know. We go on a retreat, and the Democrats go on a retreat. But would it make more sense if, like, we had a bipartisan infrastructure committee retreat, or, you know—because, you know, I know, on Appropriations, many other Members on different committees don't really understand how we operate. But we understand how we operate, and we can have the discussions on the things that are taking place.

Has that existed before, or do you think it would be worthwhile?

Ms. REYNOLDS. I don't know if it has existed before. I—Mr. Kilmer, you can correct me. I seem to remember this being an idea that you all just—ideas of this kind were ones that you discussed in the last Congress.

The CHAIRMAN. Yeah. In the last—

Mr. JOYCE. I wasn't here.

The CHAIRMAN. That is all right. You know, in the last Congress, we both talked about having the institution have a bipartisan retreat, in part to—acknowledging that there are going to be differences in goals, but that, you know, there may be relationship building and at least some alignment on some of these big-ticket issues that we say, "Hey, what do we want to try to get done?"

And then similarly within committees. I mean, part of the reason our committee did a bipartisan retreat is we recommended that other committees should do a bipartisan retreat. So—

Mr. JOYCE. Ours was by Zoom.

The CHAIRMAN. Yeah. Ours was by Zoom, unfortunately, this time around.

I want to—so, Dr. Reynolds, in your written testimony—and you spoke to this a bit—I am trying to remember how you worded it. We are looking at legislative behavior and interpersonal behavior,

right? And, actually, next week's hearing, we are going to kind of dive into these issues around interpersonal behavior.

But I feel like it is, to some degree, one of the big challenges, you know, are the working part of this, right, is hamstrung sometimes by the inability to get past the interpersonal.

Are there levers you would pull on that front? I mean, obviously, we are going to dive into that issue more next week, but if you have guidance for us. I think sometimes the work is stymied by—I mean, we have Members who don't want to be in a room with each other, right?

And I think sometimes we have this notion that trying to work together is somehow taking—leaving your ideology at the door. I don't think that is what it means, right? Like, people come here to represent their values, but sometimes we can't even move forward on things on which we agree.

So thoughts on levers that this committee might look to recommend to get at some of these interpersonal issues, whether it be bipartisan retreats or other stuff we haven't thought of?

Mr. LEVIN. Well, I think that those kinds of ideas are one way to do that, which is they both allow Members to get to know each other and allow them to talk substantively without being on display, which I think makes an important difference. I would say that some of this is also a function of allowing changes in the structure of the work to gradually change Members' sense of what happens in this institution.

A number of you have been talking about experiences in State legislatures, saying, well, people just didn't abuse—they just didn't abuse the open rules. And I think part of the reason for that is a sense that, after a while, the culture of the institution changes around the structure of the work.

If you made some of the kinds of changes to structure that we are talking about, I think early on, the first result of that would look pretty ugly. It would be people using those new venues to grandstand. But, over time, as it became apparent that there isn't any camera here, so why are you talking to me like I am a cable news viewer? It would just become—people would, through experience, come to approach each other a little bit differently.

It is hard because, you know, it is not—this isn't a kindergarten class, and you can't just tell people to behave, right? Everybody here is an adult who is—has achieved a lot in his or her life, and who is very ambitious, who worked hard to get here, and deserves to be here. And so there is no one who can really tell anybody else to behave.

I think the only way to change behavior is to build a culture around forms of work that encourage people to take themselves and others seriously. And, you know, that is not a simple thing.

Ms. REYNOLDS. Yeah, I would agree with that.

And I would also just say that, at the end of the day, it is important to ask yourselves as, you know, people who come to work in a workplace, how do you establish the norms for what is acceptable conduct, and who do you look to to enforce those norms against one another?

And, you know, Yuval and I can give you suggestions, but, at the end of the day, this is the place where you do your work, which

is fundamentally what people send you to Washington to do. And so it is about—some of it is just about, you know, what do you consider acceptable behavior, and how do you set that for yourselves in the same way that would happen if you were in the, you know, diversity of jobs and workplaces that you had before you came to Congress?

One challenge that I think the reform community and folks who kind of think about the work you in Congress face is drawing lines between what makes Congress unique as an institution and as a workplace, and what doesn't? And I think this is an area where there is a lot to be learned from sort of, how do we build a good workplace?

And I am eager to watch the folks that you bring for the second hearing on this topic because I think they will have some constructive thoughts on this as well. But I think, again, I would just remind you that, at the end of the day, you are all coming to work in a place, and there are—and it is up to you to determine how to enforce good standards of behavior with your colleagues.

The CHAIRMAN. Yeah. I will say I have sitting on the desk in my office a framed version of the rotary four-way test: Is it the truth? Is it fair to all concerns? Will it build goodwill and better friendships? And will it be beneficial to all concerned?

And I am reminded on a daily basis how often we violate that in this place, right, and that it is a problem, right? It does not engender goodwill or the ability to be productive.

I want to make sure, if other Members have threads they want to pull before we—I know votes will be called soon.

Go ahead, Vice Chair Timmons.

Mr. TIMMONS. We talked about budget reform earlier. We made a number of recommendations last Congress. I think there were seven of them, annual fiscal state of the Nation, biennial budget resolution, a number of other changes. And we used the joint select committee that was ultimately unsuccessful, and we kind of built on what they started.

Any additional recommendations that you think we could make in that area that we have not?

Mr. LEVIN. Well, one idea I get at in my written testimony as illustrative of a kind of change that might affect culture—and I am cognizant of saying this with an appropriator in front of me—is to think—sorry—two appropriators—is to think about the distinction Congress draws between authorization and appropriation as an open question because if what we are asking is, how do we make the work of the committees matter more, then surely anybody who has had the experience of seeing an authorizing committee at work can recognize that much of what happens in their work doesn't seem like it is going to make a difference, while the appropriators are firing real bullets and spending money on programs.

There are ways of thinking about combining authorization and appropriation, maybe just in some areas of Congress' work and maybe in general, that I think could really change the way we think about what the budget process is for and what Members do with their time.

The distinction between authorization and appropriation is longstanding in Congress. It has been done since the 1830s, and it was

done actually with this notion of parallel processing in mind. It became difficult for Congress to spend necessary funds because there were debates about broader kinds of legislative questions. And so the House and then the Senate decided to just put spending on its own path, on its own track so that necessary things could be done while these other debates were happening.

But I think we are at a point now where, if the question is how do you get Members to become interested in channeling their ambition through the work of the committees they are in, breaking that barrier between authorization and appropriation is a question to think about. It is not a new idea. There was a proposal like this in the 1980s that Senator Kassebaum and Senator Inouye proposed that got pretty far in the process. Obviously, appropriators tend not to like it.

But I think that would be a dramatic way to change the budget process—

Mr. PERLMUTTER. I like this.

Mr. LEVIN. Yeah.

Mr. PERLMUTTER. I like this one. Okay.

Mr. LEVIN. It would be a way to help the work of the committees matter.

Mr. PERLMUTTER. I will take you guys out and do it, right? David Joyce and Van Dyne and I can take care of all of it.

Mr. TIMMONS. We could get 10 votes. We might get 10 votes. We are not getting 12, though.

Ms. REYNOLDS. Before you get too excited, Mr. Perlmutter, I would—my advice here would be to—actually to go back to something Mr. Joyce said earlier about—you sort of made a passing reference to the degree to which you as an appropriator, Mr. Kilmer as an appropriator, you actually are very well read into the details of what is in the bills that you have worked on.

And I would encourage that as a sort of starting place for any reforms, that much of what—to the extent the appropriations process continues to work, it is because you and your colleagues do the hard work of digging into those details. And even if what we ultimately end up with is one big omnibus vote on the floor, having done the sort of deliberative work in the early stages is not to be lost.

And, in fact, that is sort of, I think, what we should protect, and that would be—that is less of a specific recommendation, but more of a principle for thinking about additional budget and appropriations reforms.

Mr. PERLMUTTER. Do not pay the appropriators compliments like that, please, ever. You want to make this place work, okay? Can I—

The CHAIRMAN. Go ahead.

Mr. PERLMUTTER. I do have something—

The CHAIRMAN. You have to turn on your mike.

Mr. PERLMUTTER [continuing]. To follow up on this subject a little bit, and it is sort of this chicken and egg. The structure of the place and the type of work we do can add to collaboration and working together.

But Beth and I were just talking about the women's softball team, and William and I play golf against each other, and David

and I play baseball against each other. And I—in a context, that isn't legislative but is like normal, you know, not so much baseball or anything else, but sports or outside of this place, relationships can be developed, especially the women's team. It is bipartisan and bicameral. So it develops relationships not just here, but over across the way.

And, you know, you still have the whole electoral thing, you know, I am Democrat and a Republican, but in—at least in that instance, relationships are developed that go beyond sort of, okay, you know, what is in the budget today, or, you know, just pure work.

And I think that makes a big difference. And the codels and in those kinds of things, all of a sudden, you have got a relationship on a different level that allows you to have the conversation, even in a setting where you are divided like this room.

What is your reaction to that?

Ms. REYNOLDS. So I think building relationships among Members is important. It feels a little—I feel a little out of place saying as to what I believe is Seersucker Thursday in the Senate, which is one of that Chamber's greatest examples of this. But I don't want to oversell the importance of those opportunities to build relationships.

This gets back to something I said in both my written and oral testimony, which is that we have to ask ourselves kind of, what are the interpersonal relationships in service of? And they can be helpful, but, at the end of the day, what matters is the degree to which you can use them to do good legislative work and making sure that we are not sort of romanticizing or being overly nostalgic about a world where Members, you know, because they lived here with their families, had dinner together—that is important, but it is—I don't want to oversell it as a solution to the challenges that you face.

Mr. LEVIN. I agree with that. But it is, I think, as you say, a chicken-and-egg issue, that it does matter that Members, when they are in a professional setting in a committee, know one another and can't just use another Member as a prop, but have to think, "Well, that is somebody I am going to see on Thursday at the baseball game," or "that is somebody whose family I know."

That obviously does make a difference. But I just think it is easy to overstate the degree to which change can work in that direction. I think that, ultimately, if you really want to change the culture of the institution so that it can be a more effective legislature, the kinds of changes that involve actually structuring the work to enable cross-partisan bargaining and accommodation are going to matter more, not to the exclusion of it just mattering that you see each other as human beings, but ultimately you have to work together as legislators.

Mr. PERLMUTTER. But, coming back to the chicken and the egg, say William—

The CHAIRMAN. Turn on your mike.

Mr. PERLMUTTER. If I have got an idea that I need some help with and I think that he might be interested in it or at least I am not afraid to approach him or I know that I can approach him to help me shape this thing, so—

Mr. LEVIN. Yeah.

Mr. PERLMUTTER [continuing]. I mean, our business is a people's business. It is a people business. It isn't just a legislative business. It is a people business, and these relationships are key.

I agree with you guys, though. You have got to still feel like, even if you work together, can you get something done? Can you have a real product that benefits America in some fashion or another?

So thank you for being here today.

The CHAIRMAN. Any other questions?

I think that buzzer was the sound of votes being called. So I actually have one more quick one. I hope—well, maybe quick one. Both of you made references to State legislatures as models, right, the notion of having coauthors listed that might be cross-partisan, the notion of having a budget process that actually looks like what you are actually doing, the idea of providing floor control to the committees at times. You know, these were all recommendations you made to foster better culture and collaboration that we can learn from State legislatures.

Any other lessons from State legislatures that we should be looking at, that we should be, you know—

Mr. LEVIN. I would just say I think it makes sense for this committee to think in a formal way about learning from State legislatures, inviting Members who offer ideas that come from their State, maybe from their own experience, for those who were State legislators. There are a lot of ways in which the State legislatures are built on the model of Congress, but there are also a lot of ways in which, because they have had to solve various problems along the way, they have innovated the legislative process in ways that Congress could learn from.

And I think that is the case in many State legislatures. There has been a lot of innovation in State legislatures in this century in the past 20 years, and, you know, they are living in the same culture that you are. They are living in the same political culture and the same country, and so surely there are a lot of ways to learn.

The CHAIRMAN. Terrific.

Okay. I want to thank our witnesses for their testimony and for gamely participating in our first roundtable hearing. I would also like to thank our committee members for their participation and willing to try something different.

Without objection—I also want to thank the folks who are recording the proceedings and the folks from C-SPAN. Thank you for being here. I think we are on C-SPAN 8 today. Thank you. De ocho?

Without objection, all members will have 5 legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as you are able.

Without objection, all members will have 5 legislative days within which to submit extraneous materials to the chair for inclusion in the record.

I also want to thank our committee staff for putting together a great hearing with two terrific experts. Thank you very much.
And, with that, we are adjourned.
[Whereupon, at 10:39 p.m., the committee was adjourned.]

